

PBS

National Environmental Policy Act

NEPA Desk Guide

Interim Guidance

September 1997

As of August 3, 1997, the measurements and procedures outlined in this PBS NEPA DESK GUIDE shall serve as “interim guidance” for PBS NEPA compliance activities, pending official issuance of ADM 1095.1F and PBS 1095.4C which are contained in Appendix 1 of this “DESK GUIDE.”

TABLE OF CONTENTS

CHAPTER 1 - PURPOSE AND USE OF DESK GUIDE	1-1
1.1 Purpose	1-1
1.2 Application of This Desk Guide	1-1
1.3 Contents	1-1
1.4 Background for NEPA Implementation	1-2
1.4.1 NEPA.....	1-2
1.4.2 CEQ Regulations.....	1-2
1.4.3 GSA Orders	1-2
1.5 Other Applicable Laws, Executive Orders, And Regulations.....	1-3
1.6 Changes to this Desk Guide	1-3
CHAPTER 2 - BASIC REQUIREMENTS AND RESPONSIBILITIES.....	2-1
2.1 NEPA Requirements	2-1
2.1.1 Purposes of NEPA.....	2-1
2.1.2 Procedural Requirements	2-2
2.1.3 Application	2-3
2.1.4 Timing.....	2-3
2.2 Responsibilities for NEPA Implementation	2-4
2.2.1 ADM 1095.1F Responsibilities.....	2-4
2.2.1.1 Commissioner, Public Buildings Service (PBS)	2-4
2.2.1.2 Assistant Commissioner, PX.....	2-4
2.2.1.3 Regional Administrators.....	2-5
2.2.1.4 GSA Environmental Executive.....	2-5
2.2.1.5 Heads of Services and Business Lines	2-5
2.2.1.6 The Office of General Counsel	2-5
2.2.2 PBS 1095.4C Responsibilities	2-5
2.2.2.1 Assistant Commissioner, PX.....	2-5
2.2.2.2 NEPA Liaison	2-6
2.2.2.3 Regional Administrators.....	2-6
2.2.2.4 The Regional NCE.....	2-6
2.2.2.5 Program Staff	2-7
2.3 The "Responsible GSA Official"	2-7

2.4	Program Responsibilities.....	2-7
2.4.1	Using NEPA in Decisionmaking.....	2-7
2.4.2	Coordination With Other Authorities	2-8
2.4.3	Public Involvement	2-8
2.5	GSA Decisionmaking Process Under NEPA	2-9
2.5.1	Normal Circumstances.....	2-9
2.5.2	Emergencies.....	2-9
2.6	Working With Other Agencies in NEPA Review.....	2-10
2.6.1	GSA as Lead Agency	2-10
2.6.2	GSA as Cooperating Agency.....	2-11
2.6.3	GSA as Commentor Or Reviewer Of Other Agency Environmental Documents.....	2-11
2.7	Public Access to GSA NEPA Information.....	2-13
CHAPTER 3 - LEVELS OF NEPA ANALYSIS		3-1
3.1	Introduction	3-1
3.2	Definitions 3-1	
3.2.1	Human Environment.....	3-1
3.2.2	Impacts or Effects.....	3-1
3.2.3	Significantly	3-2
3.2.4	Major Federal Action.....	3-3
3.3	Classes of Action for Environmental Analysis and Documentation	3-3
3.3.1	Categorical Exclusion (CATEX)	3-4
3.3.1.1	Automatic Categorical Exclusions	3-4
3.3.1.2	Categorical Exclusions Requiring Completion Of A Checklist (Checklist CATEX's)	3-4
3.3.2	Environmental Assessment (EA)	3-5
3.3.3	Environmental Impact Statement (EIS).....	3-5
3.3.3.1	Actions That Normally Require an EIS.....	3-5
3.3.3.2	All Other Non-CATEX Actions.....	3-6
3.4	Determining the Appropriate Level of Analysis	3-6
3.4.1	Determining Purpose and Need	3-6
3.4.2	Defining the Action	3-6
3.4.3	Is the Action Obviously a CATEX or Does It Obviously Require an EIS?.....	3-6
3.5	Indicators Of Significance (Factors To Consider).....	3-7

3.5.1	List of Factors	3-7
3.5.1.1	Consistency With Law	3-7
3.5.1.2	Consistency With Existing and Desired Local Conditions	3-7
3.5.1.3	Toxic and Hazardous Materials	3-7
3.5.1.4	Natural Environment	3-8
3.5.1.5	Sociocultural Environment.....	3-8
3.5.1.6	Controversy, Uncertainty, Risks	3-8
3.5.1.7	Cumulative and Precedential	3-8
3.5.1.8	Other	3-8
CHAPTER 4 - SCOPING AND PLANNING FOR PUBLIC INVOLVEMENT		4-1
4.1	Scoping	4-1
4.1.1	Purpose	4-1
4.1.2	Definitions.....	4-1
4.1.2.1	“Scoping”	4-1
4.1.2.2	Scope	4-2
4.1.3	Application	4-2
4.1.4	Internal Scoping	4-3
4.1.4.1	Interdisciplinary Analysis	4-3
4.1.4.2	Review of Previous Actions.....	4-3
4.1.4.3	Review of Pertinent Background Data	4-3
4.1.5	External Scoping	4-4
4.1.5.1	Agencies With Jurisdiction by Law or Expertise.....	4-4
4.1.5.2	Public Participation.....	4-4
4.1.5.3	Documenting the Results of Scoping	4-4
4.2	Planning for Public Involvement.....	4-5
4.2.1	When Is Public Involvement Appropriate?	4-5
4.2.2	Means of Providing for Public Involvement.....	4-5
4.2.3	Establishing the Appropriate Level of Public Involvement	4-6
4.2.4	Ensuring Understandability	4-7
CHAPTER 5 - CATEGORICAL EXCLUSIONS		5-1
5.1	Purpose	5-1
5.2	Definition	5-1
5.3	Automatic CATEXs	5-1
5.4	Checklist CATEXs.....	5-3
5.5	Timing	5-4
5.6	Responsibilities	5-4

5.7	Scoping for CATEXs	5-4
5.8	Public Participation in CATEXs	5-4
5.9	Completing the Environmental Checklist.....	5-5
5.9.1	Entering Basic Data.....	5-5
5.9.2	Considering Environmental Consequences.....	5-5
5.9.2.1	Checklist Question A:	5-5
5.9.2.2	Checklist Question B:	5-6
5.9.2.3	Checklist Question C:	5-6
5.9.2.4	Checklist Question D:	5-7
5.9.2.5	Checklist Question E:	5-7
5.9.2.6	Checklist Question F:.....	5-8
5.9.2.7	Checklist Question G:.....	5-8
5.9.2.8	Checklist Question H:	5-9
5.9.2.9	Checklist Question I:.....	5-9
5.9.2.10	Checklist Question J:	5-9
5.9.2.11	Checklist Question K:	5-9
5.9.3	Completing the Checklist.....	5-9
5.10	Follow Through	5-10
5.11	Requirements for Environmental Analysis Other Than NEPA	5-10
CHAPTER 6 - ENVIRONMENTAL ASSESSMENTS		6-1
6.1	Purpose	6-1
6.2	Definitions 6-1	
6.2.1	Environmental Assessments	6-1
6.6.2	Tiering.....	6-1
6.3	Characteristics of a Good EA	6-2
6.4	Timing	6-2
6.5	Responsibilities	6-3
6.6	Requirements for Environmental Analysis.....	6-3
6.6.1	Scoping	6-3
6.6.2	Consultation and Public Involvement.....	6-3
6.6.3	Data Gathering and Analysis	6-4

6.7	Structure of an EA.....	6-4
6.7.1	Size	6-4
6.7.1.1	Tiering	6-5
6.7.1.2	Incorporation by Reference	6-5
6.7.2	Contents	6-5
6.7.2.1	Purpose and Need for the Action	6-5
6.7.2.2	Description of Proposed Action and Alternatives, Including No Action	6-6
6.7.2.3	Environmental Effects	6-6
6.7.2.4	Significance of Effects	6-7
6.7.2.5	List of Preparers.....	6-7
6.7.2.6	References and Exhibits	6-8
6.7.3	Format	6-8
6.8	Who Prepares EA for GSA Projects.....	6-8
6.9	Methodology and Integrity	6-8
6.10	Finding of No Significant Impact	6-9
6.10.1	Definition	6-9
6.10.2	Contents	6-9
6.10.3	Public Review	6-10
6.11	Environmental Assessments and Compliance With Other Laws.....	6-10
6.12	Supplemental EAs.....	6-10
CHAPTER 7- ENVIRONMENTAL IMPACT STATEMENTS		7-1
7.1	Purpose	7-1
7.2	Definitions 7-1	
7.2.1	EIS.....	7-1
7.2.2	Proposal	7-1
7.3	Types of EISs.....	7-2
7.4	Actions That Normally Require an EIS	7-2
7.5	Characteristics of Good EISs	7-3
7.6	Timing	7-3
7.7	Responsibilities	7-4
7.8	Notice of Intent (NOI)	7-4

7.9	Scoping	7-4
7.10	Public Involvement	7-5
7.11	Requirements for Environmental Analysis.....	7-5
7.11.1	Professional Integrity	7-5
7.11.2	Adequate Detail	7-5
7.11.3	Data Gathering	7-6
7.11.4	Dealing With Incomplete or Unavailable Information	7-6
7.12	Structure of an EIS.....	7-6
7.12.1	Size	7-6
7.12.1.1	Tiering	7-7
7.12.1.2	Incorporation by Reference	7-7
7.12.2	Contents.....	7-7
7.12.2.1	Purpose of and Need for Action	7-8
7.12.2.2	Alternatives, Including the Proposed Action	7-8
7.12.2.2.1	Contents of Alternatives Chapter	7-8
7.12.2.2.2	No Action Alternative	7-9
7.12.2.2.3	Range of Alternatives.....	7-9
7.12.2.2.4	Comparison of Impacts	7-9
7.12.2.3	Affected Environment.....	7-9
7.12.2.4	Environmental Consequences	7-10
7.12.2.5	List of Preparers.....	7-11
7.12.2.6	List of Agencies, Organizations, and Persons to Whom Copies of the Statement Are Sent	7-12
7.12.2.7	Appendix	7-12
7.12.3	Format	7-12
7.12.3.1	Cover Sheet	7-13
7.12.3.2	Summary	7-13
7.12.3.3	Index	7-13
7.13	Who Prepares EISs for GSA Projects.....	7-13
7.14	Distribution Of, Review and Comment on, and Finalization of EISs.....	7-14
7.14.1	Distribution of All Notices and Documents.....	7-14
7.14.2	Distribution and Review of Draft EISs.....	7-14
7.14.2.1	Distribution.....	7-14
7.14.2.2	Notice of Availability (NOA)	7-14
7.14.3	Response to Comments on Draft EISs.....	7-15
7.14.4	Distribution of Final EISs	7-15
7.14.4.1	Distribution	7-15
7.14.4.2	Notice of Availability	7-16

7.15	Record Of Decision (ROD)	7-16
7.15.1	Definition	7-16
7.15.2	Contents	7-16
7.15.3	Public Review	7-16
7.16	Referral to CEQ.....	7-16
CHAPTER 8 - SUPPLEMENTS AND REVISIONS TO NEPA DOCUMENTS		8-1
8.1	Purpose	8-1
8.2	Definitions 8-1	
8.3	When To Revise; When To Supplement.....	8-1
8.4	Circulation and Filing.....	8-1
8.5	Timing	8-1
8.6	Responsibility	8-2
8.7	Requirements For Environmental Analysis: Supplements.....	8-2
8.7.1	Scope of Analysis	8-2
8.7.2	Public Involvement.....	8-2
CHAPTER 9 - SPECIAL STUDIES		9-1
9.1	Introduction	9-1
9.1.1	Special Studies for Other Legal Requirements.....	9-1
9.1.2	Obtaining Special Studies	9-1
9.1.3	How This Chapter Is Organized.....	9-2
9.2	Environmental Justice (EJ) Studies.....	9-2
9.2.1	Legal Requirements	9-2
9.2.2	Data Requirements.....	9-3
9.2.3	Study Methods.....	9-3
9.2.4	Study Results	9-4
9.3	Social Impact Assessment	9-4
9.3.1	Legal Requirements	9-4
9.3.2	Data Requirements.....	9-4
9.3.3	Study Methods.....	9-4
9.3.4	Study Results	9-5

9.4	Cultural Resources.....	9-6
9.4.1	Legal Requirements	9-6
9.4.2	Data Requirements.....	9-7
9.4.3	Study Methods.....	9-8
9.4.4	Study Results	9-9
9.5	Due Diligence Reports	9-9
9.5.1	Legal Requirements	9-9
9.5.2	Data Requirements.....	9-10
9.5.3	Study Methods.....	9-11
9.5.4	Study Results	9-11
9.6	Floodplain Studies.....	9-12
9.6.1	Legal Requirements	9-12
9.6.2	Data Requirements.....	9-12
9.6.3	Study Methods.....	9-12
9.6.4	Study Results	9-13
9.7	Wetland Delineations	9-13
9.7.1	Legal Requirements	9-13
9.7.2	Data Requirements.....	9-14
9.7.3	Study Methods.....	9-14
9.7.4	Study Results	9-15
9.8	Air Quality Studies.....	9-15
9.8.1	Legal Requirements	9-15
9.8.2	Data Requirements.....	9-15
9.8.3	Study Methods.....	9-16
9.8.4	Study Results	9-16
9.9	Water Quality Studies	9-16
9.9.1	Legal Requirements	9-16
9.9.1.1	Dredging and Filling	9-16
9.9.1.2	Discharge of Pollutants	9-16
9.9.2	Data Requirements.....	9-17
9.9.3	Study Methods.....	9-17
9.9.4	Study Results	9-17
9.10	Natural Resource Studies	9-17
9.10.1	Legal Requirements	9-17

9.10.2 Data Requirements.....	9-18
9.10.2.1 Soils.....	9-18
9.10.2.2 Geology	9-18
9.10.2.3 Landscapes	9-18
9.10.2.4 Atmospheric Conditions.....	9-18
9.10.2.5 Vegetation	9-18
9.10.2.6 Wildlife.....	9-19
9.10.3 Study Methods.....	9-19
9.10.4 Study Results	9-19
9.11 Endangered Species Surveys.....	9-19
9.11.1 Legal Requirements	9-19
9.11.2 Data Requirements.....	9-20
9.11.3 Study Methods.....	9-20
9.11.4 Study Results	9-20
9.12 Other Studies	9-21
9.13 Coordinating Studies.....	9-21
9.14 Further Information.....	9-21
CHAPTER 10 - CONTRACTING.....	10-1
10.1 Introduction	10-1
10.2 Requirements.....	10-1
10.3 Types of Contracts and Agreements.....	10-1
10.3.1 Contracts	10-1
10.3.2 Agreements	10-2
10.4 Scopes Of Work.....	10-2
10.4.1 SOWs for Special Studies	10-2
10.4.2 SOWs for NEPA Analyses and Documentation.....	10-3
10.5 Role of the Contracting Officer, Subject Matter Expert, and Project Manager	10-4
CHAPTER 11 - TECHNICAL REVIEWS.....	11-1
11.1 Purpose	11-1
11.2 Definitions and Requirements	11-1

11.3	Technical Reviews of GSA NEPA Documents	11-2
11.3.1	Internal Reviews	11-2
11.3.1.1	Reviews of GSA Documents	11-2
11.3.1.2	Review of Contractor Documents.....	11-2
11.3.2	External Reviews.....	11-2
11.3.2.1	Agency Reviews.....	11-2
11.3.2.2	Public Reviews	11-3
11.4	Technical Reviews of Other Agency Documents by GSA	11-3

[Glossary](#)

[Appendix 1: Pertinent Regulations and Orders](#)

[Appendix 2: NEPA Time Frames](#)

[Appendix 3: NEPA-Related Legal Requirements and Their Implications](#)

[Appendix 4: Pertinent Agencies](#)

LIST OF EXHIBITS

Exhibit 3-1	NEPA in a Nutshell	3-9
Exhibit 4-1	Determining Level of Public Participation	4-9
Exhibit 5-1	CATEX Checklist	5-11
Exhibit 6-1	EA Format	6-11
Exhibit 6-2	Sample FONSI.....	6-14
Exhibit 7-1	Format of Notice of Intent to Prepare an EIS.....	7-18
Exhibit 7-2	Distribution of EISs	7-19
Exhibit 7-3	EIS Model Cover Sheet Format	7-22
Exhibit 7-4	Format for Notice of Availability of EIS	7-23
Exhibit 7-5	Format for Record of Decision.....	7-24
Exhibit 11-1	Format for Technical Reviews	11-4

CHAPTER 1 - PURPOSE AND USE OF DESK GUIDE

1.1 PURPOSE

Welcome to the NEPA Desk Guide. This Desk Guide will help GSA staff, contractors, and other GSA associates carry out the requirements of the National Environmental Policy Act (NEPA) in accordance with Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508), GSA Order ADM 1095.1F (Environmental Considerations in Decisionmaking), and PBS Order 1095.4C (Compliance with the National Environmental Policy Act).

1.2 APPLICATION OF THIS DESK GUIDE

The policies, procedures, and practices described here apply to GSA actions, including leasing, acquiring, developing, managing and disposing of real property, that may have an impact on the quality of the human environment. They apply to all GSA business lines, GSA staff, contractors, and others who operate under GSA oversight.

As you use this guide, remember that it is a *guide*, not a training manual. Do not substitute the guidance given here for consultation with NEPA and other environmental experts within GSA, including the Office of General Counsel (OGC).

1.3 CONTENTS

In this guide, you will find legal and policy background information, specific requirements, checklists, and references. This information will help you understand and apply NEPA requirements to your specific, proposed activity, program, or project.

You will also find excerpts from pertinent implementing regulations, GSA orders, and

other official guidance. For your reference, we have added the complete texts of these materials in **Appendix 1**.

Note that this Desk Guide contains those policies and procedures approved by the CEQ in accordance with Title 40 Code of Federal Regulations (CFR) 1507.3, including:

- Specific criteria for and identification of typical classes of action (see Chapter 3)
 - that normally require Environmental Impact Statements (Chapter 7).
 - that normally require Environmental Assessments but not necessarily Environmental Impact Statements (Chapter 6).
 - that normally do not require either an Environmental Impact Statement or an Environmental Assessment (Categorical Exclusions; Chapter 5).
- Specific procedures (required by CEQ regulations) on the following topics:
 - how to interact with non-GSA participants in GSA NEPA review (see Chapters 2, 6, 7);
 - draft, final, and supplemental Environmental Impact Statements (see Chapters 7 and 8);
 - internal agency decisionmaking processes (see Chapter 2);
 - where the public can get information about GSA's NEPA process and documents (see Chapter 2, 4, 6, 7); and

- Categorical Exclusions (see Chapter 5).

This Desk Guide does not contain legal opinions or cases and does not describe compliance processes for environmental laws other than NEPA.

1.4 BACKGROUND FOR NEPA IMPLEMENTATION

1.4.1 NEPA

NEPA articulates the Federal policy that favors protecting the quality of the human environment, and requires Federal agencies to consider the impacts of their proposed activities, programs, and projects on the quality of that environment. The human environment is defined as the natural and physical environment, and the relationship of people to that environment. The purpose of considering impacts (NEPA review) is to help the agency decide whether to undertake a proposed action, considering all reasonable alternatives, including the alternative of taking no action, and if so, where, when and how to undertake it. NEPA review also affords interested agencies and the public the opportunity to learn about and influence an agency's decisionmaking. Various kinds of specific analyses and documentation are required, but these vary depending on the nature of the proposed action and its expected environmental impacts.

NEPA also requires that, to the fullest extent possible, analyses and consultations required by other environmental laws be coordinated with those required under NEPA, to reduce redundancy, paperwork, time, and cost.

1.4.2 CEQ Regulations

Title II of NEPA created the CEQ, which in 1978 was given authority to develop regulations to standardize and streamline

the NEPA implementation process. These regulations, 40 CFR 1500 through 1508, are legally binding on all Federal agencies. Agency procedures, such as GSA orders and this Desk Guide, must adhere to the requirements of the CEQ regulations. Excerpts from the CEQ regulations and NEPA are incorporated into this Desk Guide, where appropriate, and appear in gray-shaded boxes.

1.4.3 GSA Orders

GSA Order # ADM 1095.1F (Environmental Considerations in Decisionmaking), dated _____, assigns responsibility for carrying out:

- NEPA;
- its procedural regulations (40 CFR 1500 through 1508); and
- related Executive Orders.

It provides the overall guidance for GSA implementation of NEPA. A copy of this Order is in **Appendix 1**.

GSA Order # PBS P 4000.1 (Excess and Surplus Real Property), dated June 29, 1994, provides instructions and procedures for the use and disposal of excess and surplus real and related personal property. Chapter 5 of that Order contains a brief description of environmental, historic, and coastal zone considerations.

GSA Order # PBS 1095.4C (Compliance with the National Environmental Policy Act) defines the specific internal NEPA compliance processes, and refers to this Desk Guide for more detailed guidance.

1.5 OTHER APPLICABLE LAWS, EXECUTIVE ORDERS, AND REGULATIONS

Besides NEPA, there are many other Federal environmental laws, Executive Orders, and regulations that are coordinated with NEPA implementation. These laws, which are identified in the Pertinent Regulations and Orders in **Appendix 1**, should be taken into consideration during the NEPA process.

1.6 CHANGES TO THIS DESK GUIDE

GSA PBS Office of Business Performance (PX) may issue updates, changes, or corrections to this Desk Guide.

CHAPTER 2 - BASIC REQUIREMENTS AND RESPONSIBILITIES

2.1 NEPA REQUIREMENTS

Before you make a decision on whether and how to proceed with a proposed Federal action that could affect the environment, you must first comply with NEPA. NEPA requires that you conduct an analysis of the impacts your proposed action will have on the environment. This analysis will help you to make environmentally beneficial decisions, design excellent action, and improve the environment.

Each time you plan a Federal action, you must follow the decisionmaking process of analysis and review set forth in NEPA. Apply the NEPA process in your early planning stages, and carry it out in good faith.

2.1.1 Purposes of NEPA

The NEPA process does not exist in a vacuum—it was designed for several purposes, and you will understand the process better if you remember the underlying policy and basic purposes of NEPA. With NEPA's goals in mind, you can tailor your decisions and actions to accomplish those goals.

You can find NEPA purposes and general policy in Section 101 of the Act.

(I)t is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations....

(I)t is the continuing responsibility of the Federal government to use all practicable

means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may:

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

42 U.S.C. 4321(a)

Note that this broad policy does not place environmental protection above all other considerations. Environmental protection means to use "practicable means, consistent with other essential considerations of national policy." On the other hand, the policy requires more than mere lip service to the environment, or mere conformance to procedures. NEPA is designed to help the Nation (and implicitly, the world) achieve specific purposes, such as "as-

sur(ing)... safe, healthful, productive, and esthetically and culturally pleasing surroundings," and "achiev(ing) a balance between population and resource use." These specific purposes in turn are designed to help achieve the more general goal of "creat(ing) and maintain(ing) conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations." As you comply with NEPA's procedural requirements, use these purposes as a guide.

Based on the national policy established in NEPA, GSA policy, as found in ADM 1095.1F, is as follows:

"In all its decisionmaking, GSA will attend carefully to the National Environmental Policy set forth in Section 101 of NEPA. To the maximum extent practicable, GSA will ensure that its actions protect and where possible improve the quality of the human environment, including the built and sociocultural environments of the nation's urban areas. GSA decisionmakers will use the NEPA review process prescribed in the CEQ regulations as a practical planning tool, and integrate both the NEPA review process and the Section 101 National Environmental Policy into decisionmaking in an efficient, cost-effective manner. The NEPA review process will be initiated at the earliest possible stage in planning any GSA action, and will be carried forward in coordination with other planning activities. Decisionmakers will ensure that they have reviewed and fully understand the environmental impacts of each decision, before making any such decision. All managers responsible for decisionmaking about GSA actions will be accountable for being knowledgeable about, and attendant to, the requirements of NEPA and the National Environmental Policy that these requirements are designed to advance."

2.1.2 Procedural Requirements

The core procedural requirement of NEPA is set forth in Section 102 of the Act. This requirement is met within GSA by following CEQ regulations and GSA procedures. Section 102 directs all Federal agencies to:

- Utilize a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;
- Identify and develop methods and procedures that will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;
- Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on —
 - the environmental impact of the proposed action,
 - any adverse environmental effects which cannot be avoided should the proposal be implemented,
 - alternatives to the proposed action,
 - the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
 - any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

NEPA Section 102

During preparation of the statement described above, the responsible Federal official also must consult with and obtain the comments of any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved.

2.1.3 Application

NEPA applies to all Federal actions. CEQ regulations say that:

Federal actions tend to fall within one of the following categories:

- (1) Adoption of official policy, such as rules, regulations, and interpretations adopted pursuant to the Administrative Procedure Act, 5 U.S.C. 551 et seq.; treaties and international conventions or agreements; formal documents establishing an agency's policies that will result in or substantially alter agency programs.
- (2) Adoption of formal plans, such as official documents prepared or approved by Federal agencies that guide or prescribe alternative uses of Federal resources, upon which future agency actions will be based.
- (3) Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive.
- (4) Approval of specific projects, such as construction or management activities located in a defined geographic area. Projects include actions approved by permit or other regulatory decision, as well as Federal and Federally assisted activities.

40 CFR 1508.18

Here are some GSA examples of each of the above-listed classes of action:

Adoption of official policy:

- Issuance of Administrative Orders, GSA Orders, and orders, standards, and guidelines by business lines.
- Issuance of Regional Office policy and procedural documents, provided such issuance may "result in or substantially alter" GSA programs or affect the programs of another agency.

Adoption of formal plans:

- Adoption of master plans, and of maintenance plans for Federal facilities.

Adoption of programs:

- Adoption of energy efficiency and conservation programs, building security programs, and chlorofluorocarbon (CFC) elimination systems.

Approval of specific projects:

- Approval of new construction, repair, and alteration projects, disposal actions, leases and lease terminations.
- Approval of maintenance plans for Federal facilities.
- Approval of permits, leases, and cooperative agreements for the use of Federal space.

2.1.4 Timing

NEPA activities take time. Completion of a categorical exclusion (CATEX) checklist (see Chapter 5) may take only a few minutes or hours, but preparation of an Environmental Impact Statement (EIS; see Chapter 7) for a complex construction project may take several years. **Appendix 2** attaches time frames to specific actions in the NEPA process, but many parts of the process have no specific time limits, and most of the time limits that do exist are not

and cannot be absolute. You must be objective and take the time necessary to accomplish the purposes of NEPA—not arbitrarily place time limits that could hamper needed analyses and consultations.

If you include the NEPA process early in your planning stages, you can avoid costly delays and last-minute “surprises.”

CEQ Requirements:

Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.

40 CFR 1501.2

and

NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken[...] The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.

40 CFR 1500.1

2.2 RESPONSIBILITIES FOR NEPA IMPLEMENTATION

2.2.1 ADM 1095.1F Responsibilities

GSA Order # ADM 1095.1F assigns the following NEPA implementation responsibilities:

2.2.1.1 Commissioner, Public Buildings Service (PBS)

- Acts for the Administrator on matters relating to NEPA implementation, and
- Oversees implementation of ADM 1095.1F—PBS orders and related direction governing GSA compliance with NEPA and related legal authorities.

2.2.1.2 Assistant Commissioner, PX

- Is the principal GSA advisor on NEPA-related requirements, including but not limited to compliance with NEPA and the coordination of NEPA compliance with the requirements of the laws and regulations listed in **Appendix 1**.
- Provides expert advice on NEPA-related matters to GSA Heads of Services, Business Lines, and Regional Administrators.
- Provides intra-agency and interagency liaison and coordination on NEPA-related matters on a national basis.
- Provides and periodically updates GSA program guidance, after consultation with the General Counsel, Heads of Services, Business Lines, and Regional Administrators.
- Provides education and training within GSA pertinent to implementation of NEPA and related authorities.

- Coordinates with the Office of Business Performance's (PX) Environmental Executive regarding areas of shared or related responsibility.
- Serves as GSA representative in coordination with outside groups at the national level regarding NEPA-related matters.

2.2.1.3 Regional Administrators

- Are accountable for execution of GSA's responsibilities under NEPA and related authorities with respect to actions under their jurisdiction.
- Serve as the responsible agency official under CEQ regulations with respect to the environmental effects of actions under their jurisdiction.
- Maintain NEPA Centers of Expertise (NCE) within their staffs, augmented as necessary through interagency agreements and contracts, to ensure regional interdisciplinary competence in environmental matters. To promote nationwide consistency, it is recommended that the NCE should reside in Portfolio Management (PT), although each business line should maintain its own environmental expertise for project development and execution.
- In consultation with PX, ensure that all regional staff with responsibility for planning, approving, and implementing construction, repair, alteration, site and facility acquisition, real property management, maintenance, and real property disposal receive appropriate training in how to carry out GSA's responsibilities under NEPA and related authorities.

2.2.1.4 GSA Environmental Executive

- Serves as GSA's Environmental Executive under Executive Order 12873.
- Coordinates with PX Liaison to ensure agency-wide consistency in areas of shared or related responsibility.

2.2.1.5 Heads of Services and Business Lines

- Serve as the responsible agency officials under CEQ regulations for actions subject to their approval.
- Ensure accountability for implementation of the policy set forth in this order.
- In consultation with PX, ensure that staff responsible for supporting the functions of the responsible agency official under CEQ and related authorities receive appropriate training in how to carry out GSA's responsibilities.

2.2.1.6 The Office of General Counsel

- Is responsible for legal interpretation of NEPA and related authorities, and represents GSA in litigation under such authorities.
- Advises PX during the development and delivery of guidance and training.

2.2.2 PBS 1095.4C Responsibilities

PBS Order 1095.4C assigns the following additional responsibilities.

2.2.2.1 Assistant Commissioner, PX

- Advises the Commissioner, other Heads of Services and Business Lines, Regional Administrators, and other GSA managers and staff regarding NEPA implementation and related matters.

- Maintains a professional NEPA Liaison staff to carry out this responsibility.

2.2.2.2 NEPA Liaison

- Coordinates compliance with NEPA and related authorities throughout GSA on a day-to-day basis.
- Provides advice and assistance to Regional Office NEPA Centers of Expertise (NCE).
- With the cooperation of Services, Business Lines, and Regional Offices, provides guidance, education and training, and advice about education and training standards and opportunities to GSA personnel who have responsibilities to which NEPA requirements may pertain.
- Coordinates with the CEQ and other national oversight bodies;
- Represents GSA in interagency coordination on NEPA and related matters on a national basis.
- Routinely solicits and acts upon the advice of Regional NCEs in developing program direction and carrying out the responsibilities of the NEPA Liaison.
- Promulgates, maintains, and when necessary updates a "NEPA Desk Guide" providing detailed direction and advice regarding NEPA implementation.

2.2.2.3 Regional Administrators

- Are the responsible officials for compliance with NEPA on actions under their jurisdiction.
- Maintain a Regional NEPA Center of Expertise (NCE) as described below.
- Ensure that the NCE is empowered to advise and assist in planning and deci-

sionmaking on actions that could affect the human environment, in a way and at a time in the planning and decision-making process that maximizes the effectiveness of the NCE's advice and assistance.

- Ensure that all Regional program staff involved in planning and decisionmaking about actions that could affect the human environment are made aware of GSA's responsibilities under NEPA and related authorities, are acquainted with this order, ADM 1095.1F, and the NEPA Desk Guide, are held accountable for the quality of their actions and decisions, and are required to coordinate effectively with the NCE.

2.2.2.4 The Regional NCE

- Is the center of expertise maintained at the Regional Office (RO) in which expertise in NEPA and related authorities such as the National Historic Preservation Act and the Endangered Species Act is maintained.
- Is located within PT or elsewhere in the RO organizations where it can influence decisionmaking early in GSA's planning or preparation for any action subject to review under NEPA and related authorities.
- Is responsible for participation in GSA planning and decisionmaking, for advising the Regional Administrator (RA), Assistant Regional Administrator (ARA), and other decisionmakers, and for providing training and technical assistance to all pertinent GSA employees and contractors.
- Maintains interdisciplinary expertise in environmental matters, through the employment of qualified staff and/or by interagency agreement or under contract.

- Maintains records of GSA NEPA compliance activities.
- Routinely interacts with and is assisted by, the NEPA Liaison.
- Maintains an up-to-date NEPA Desk Guide and other needed guidance material.

2.2.2.5 Program Staff

For the purposes of this order, includes all GSA employees responsible for the management and implementation of program actions, such as project planning and development, project management, leasing, and disposal of real property.

Are responsible for:

- With the assistance of the NEPA Liaison and Regional NCEs, developing and maintaining a thorough understanding of NEPA requirements and the requirements of related authorities, and of the policy articulated in ADM 1095.1F, as these pertain to their program areas.
- Ensuring that NEPA and related authorities are complied with to the best of their abilities, as early as possible in planning any action within their program areas.
- Coordinating their programs, activities, and projects with Regional NCEs.
- Implementing all mitigation and other commitments resulting from NEPA compliance for actions under their authority.

2.3 The "Responsible GSA Official"

When ADM 1095.1F and PBS 1095.4C refer to the "responsible GSA official," or the "responsible official," they mean the GSA official who is responsible both for decisionmaking about an action subject to review under NEPA, and for NEPA review itself.

For actions requiring an Environmental Assessment or Environmental Impact Statement (see Chapter 3), the responsible GSA official is always the Regional Administrator, except where an action is under the direct authority of a Head of Service or of a Business Line, the Commissioner, or the Administrator. For actions that are categorically excluded from extensive NEPA review (see Chapter 3), the responsible GSA official is the decisionmaker who approves the action.

Although program staff, the NCE, and the NEPA Liaison all have responsibilities in the NEPA review process, and are accountable for carrying out these responsibilities correctly, they are not ultimately responsible for ensuring that NEPA policy and procedures are addressed in decisionmaking, and therefore they are not the "responsible GSA official."

2.4 Program Responsibilities

2.4.1 Using NEPA in Decisionmaking

PBS 1095.4C Requirements:

Each Head of Service, Business Line, and Regional Office shall establish internal systems to ensure that the requirements of NEPA, related authorities, the CEQ regulations, ADM 1095.1F, and this order are carried out.

Each such system shall ensure that:

- Compliance with NEPA and related authorities begins at the earliest point in planning any action, when the widest reasonable range of alternatives is open for consideration.
- The NEPA review process is carried out in coordination with continued planning.
- All personnel involved in planning actions should view NEPA review as part of effective planning, not as a mere documentation requirement.
- Outside agencies, state and local governments, Indian tribes, and the public are afforded reasonable opportunities to participate in NEPA review, and to influence GSA decisions.
- The results of NEPA review are fully considered by each GSA decisionmaker before making a decision on an action subject to such review.
- Executives and other employees responsible for aspects of NEPA review are held accountable for the performance of such responsibilities, through performance reviews and other administrative mechanisms.

2.4.2 Coordination With Other Authorities

PBS 1095.4C Requirements:

- To the maximum extent feasible, NEPA review shall be coordinated with review of proposed actions under other environmental legal authorities, including but not limited to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the National Historic Preservation Act (NHPA), the Endangered Species Act (ESA), Executive Orders 11988 and

13006, and other authorities listed in the NEPA Desk Guide.

- In effecting such coordination, responsible GSA officials will ensure that the substantive and procedural requirements of each other authority are met, together with the requirements of NEPA. It will be explicitly understood that compliance with NEPA does not substitute for compliance with another authority, nor does compliance with such other authority substitute for compliance with NEPA..

2.4.3 Public Involvement

PBS 1095.4C Requirements:

- As part of its system for NEPA compliance, each Head of Service, Business Line, and Regional Office shall provide for levels and kinds of public involvement appropriate to the class of action and its likely effects, taking into account the recommendations regarding public involvement found in the NEPA Desk Guide.
- Where a related authority provides specific procedures for public involvement, the responsible GSA official shall ensure that such procedures are addressed in the process of NEPA review.
- Public involvement in GSA decision-making shall have as its purpose the full disclosure of GSA actions and alternatives to the public, within the constraints of GSA program authorities, and giving the public a full opportunity to influence GSA decisions, subject to the same constraints and the requirements of the Federal Advisory Committees Act (FACA).
- Pursuant to Executive Order 12898, special efforts will be made to involve members of potentially affected low-

income and minority communities in NEPA review and decisionmaking. Such efforts may include, but are not limited to, special programs of community outreach, including cross-cultural programs, translations of pertinent documents, and ensuring that translators are available at public meetings.

2.5 GSA Decisionmaking Process Under NEPA

2.5.1 Normal Circumstances

In general, GSA's compliance with the procedural requirements of NEPA is handled as follows:

- **Step 1:** Program staff determine a purpose and need for an action, and develop a preliminary description of the action.
- **Step 2:** In consultation with, or at the direction of, the NCE, program staff determine the appropriate level of NEPA analysis and documentation required (see Chapter 3).
- **Step 3:** Program staff and the NCE arrange for necessary environmental analysis and documentation to take place, including public involvement where appropriate. Where legal issues or public controversy may be involved in the action or the NEPA analysis, program staff notify OGC and Regional Counsel, and afford them an opportunity to participate.
- **Step 4:** Program staff, in consultation with, or with oversight by, the NCE, ensure that the appropriate analysis and documentation are completed, and that documents are circulated and filed in accordance with the requirements of law, the CEQ regulations, ADM 1095.1F, and PBS 1095.4C.

- **Step 5:** Program staff, assisted as needed by the NCE, provide the results of NEPA review to the relevant GSA decisionmaker(s).
- **Step 6:** The decisionmaker(s) decide whether and how the action will proceed, and if it proceeds, what if anything will be done to mitigate adverse environmental effects.
- **Step 7:** Program staff, assisted as needed by the NCE, ensure that any required final public notifications of the decision are issued.
- **Step 8:** If the action has been approved by the decisionmaker, it proceeds, subject to whatever mitigation and monitoring activities (if any).
- **Step 9:** If mitigation is performed, program staff and/or the NCE monitor to ensure that it is carried out.

The extent to which all the above steps must be carried out varies with the type of action under consideration. See Chapter 3 for a discussion of how actions are assigned to categories that require different levels of review.

2.5.2 Emergencies

In an emergency (such as life-threatening natural or human-caused disasters), the step-by-step process outlined above cannot be followed.

The CEQ regulations state that:

Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these regulations, the Federal agency taking the action should consult with the Council (on Environmental Quality) about alternative arrangements.

40 CFR 1506.11

Your consultation(s) with CEQ regarding emergency arrangements should always involve the NCE and the NEPA Liaison.

There are some circumstances under which it is impossible even to take the time to consult with CEQ. For this reason, the CEQ regulations use the word "should" rather than "shall" in the emergency section.

Use the CEQ emergency provision only in direct and immediate response to an emergency:

Agencies and the Council will limit such (emergency) arrangements to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review.

40 CFR 1506.11

For example, if the foundation of a building has been so weakened by floodwaters that the building is about to collapse, endangering human life and property, you should use the emergency provision. In this case, you might simply telephone CEQ, tell them about the problem and advise that GSA intends to demolish the building even though this could have impacts on the social, architectural, and historic fabric of the community. (In this case, you would also provide similar notice to the Advisory Council on Historic Preservation and State Historic Preservation Officer—see 36 CFR 800.11.) If the building was not in immediate danger of collapse, however, you should not use the CEQ emergency provision.

Note that the emergency provision applies only to actions "with significant environmental impact." Minor emergency response actions such as stabilizing a damaged building will seldom have significant environmental impact, and can probably go forward without coordination with CEQ.

In regions that are subject to numerous emergency actions (e.g., a region with many buildings in seismically active areas), you should consider complying with NEPA programmatically for emergency actions. Coordinate programmatic compliance with other agencies that have similar concerns, such as the Federal Emergency Management Agency, and with the NEPA Liaison.

2.6 Working With Other Agencies in NEPA Review

2.6.1 GSA as Lead Agency

When GSA is the lead agency in NEPA review of a multi-agency action (e.g., a real estate transaction in which GSA develops space for courts within a Postal Service building), GSA conducts the pertinent NEPA analysis and prepares the appropriate documents, circulates them, compiles and responds to comments, makes final determinations, and is otherwise responsible for the conduct of NEPA review. Other agencies, individuals, and entities may provide data, analyses, expertise, review, and comment, but GSA is responsible for the final NEPA product and the final project decision.

GSA can and should invite other involved agencies to participate as cooperating agencies. PBS 1095.4C says:

- The responsible GSA official may invite other agencies to serve as cooperating agencies in the conduct of NEPA review on a GSA action.
- At a minimum, GSA will invite agency customers for GSA services to participate as cooperating agencies. Other agencies with jurisdiction by law or expertise may also be invited to serve as cooperating agencies.

CEQ regulations describe the role of a lead agency as follows:

A lead agency shall supervise the preparation of an Environmental Impact Statement if more than one Federal agency either: (1) Proposes or is involved in the same action; or (2) Is involved in a group of actions directly related to each other because of their functional interdependence or geographical proximity.

40 CFR 1501.5

To determine which agency takes the lead in any specific situation, use the following guidelines:

Potential lead agencies shall determine by letter or memorandum which agency shall be the lead agency and which shall be cooperating agencies. The agencies shall resolve the lead agency question so as not to cause delay. If there is disagreement among the agencies, the following factors (which are listed in order of descending importance) shall determine lead agency designation:

- (1) Magnitude of the agency's involvement.
- (2) Project approval/disapproval authority.
- (3) Expertise concerning the action's environmental effects.
- (4) Duration of agency's involvement.
- (5) Sequence of agency's involvement.

40 CFR 1501.5

2.6.2 GSA as Cooperating Agency

PBS 1095.4C Requirements

- As a cooperating agency, GSA participates in the NEPA process as requested by the lead agency, in accordance with 40 CFR 1501.6 of the CEQ regulations.

- GSA may participate in meetings and provide specific information relevant to matters over which it has jurisdiction by law or expertise.

CEQ regulations on the role of a cooperating agency:

Each cooperating agency shall:

- (1) Participate in the NEPA process at the earliest possible time.
- (2) Participate in the scoping process.
- (3) Assume on request of the lead agency responsibility for developing information and preparing environmental analyses including portions of the Environmental Impact Statement concerning which the cooperating agency has special expertise.
- (4) Make available staff support at the lead agency's request to enhance the latter's interdisciplinary capability.
- (5) Normally use its own funds ...

40 CFR 1501.6

2.6.3 GSA as Commentor or Reviewer of Other Agency Environmental Documents

Because of GSA's jurisdiction by law and expertise on certain subjects or because of its interest in a proposed project described in an environmental document, we are often asked to provide comments and/or reviews of other agencies' NEPA documents, and other Federal and State environmental documents. Sometimes we will ask for the opportunity to review and comment on another agency's NEPA document.

PBS 1095.4C Requirements

- The responsible GSA official (Head of Service, Business Line, or Regional Office) may provide comments and/or reviews of another agency's NEPA documents, and/or other Federal and State environmental documents. Such comments or reviews shall be provided where the other agency so requests and the responsible official determines that GSA has jurisdiction by law or special expertise, and may be provided in other cases where the responsible official determines that GSA has an interest in the action covered by the environmental document.
- GSA has jurisdiction by law or expertise on the following topics, as listed in 40 CFR Ch. V, Appendix 2 of the CEQ regulations:
 - Federal land management
 - Community development
 - Historic, architectural, and archaeological resources
- GSA comments shall be provided in accordance with 40 CFR 1503.3 of the CEQ regulations.
- GSA comments shall be prepared in consultation with, or by, the pertinent Regional NCE and/or the National Office NEPA Liaison.

CEQ regulations on the role of a commenting agency:

- (a) Comments on an Environmental Impact Statement or on a proposed action shall be as specific as possible and may address either the adequacy of the statement or the merits of the alternatives discussed, or both.
- (b) When a commenting agency criticizes a lead agency's predictive methodology,

the commenting agency should describe the alternative methodology that it prefers and why.

- (c) A cooperating agency shall specify in its comments whether it needs additional information to fulfill other applicable environmental reviews or consultation requirements and what information it needs. In particular, it shall specify any additional information it needs to comment adequately on the draft statement's analysis of significant site-specific effects associated with the granting or approving by that cooperating agency of necessary Federal permits, licenses, or entitlements.
- (d) When a cooperating agency with jurisdiction by law objects to or expresses reservations about the proposal on grounds of environmental impacts, the agency expressing the objection or reservation shall specify the mitigation measures it considers necessary to allow the agency to grant or approve applicable permit, license, or related requirements or concurrences.

40 CFR 1503.3

Of the three areas listed above as those of GSA "jurisdiction by law or expertise," only one is based on "jurisdiction by law." GSA has jurisdiction in some (but by no means all) actions involving Federal land management. That is, when a Federal agency proposes to do something or permit something that could affect real property under GSA management, GSA obviously has some level of legal jurisdictional authority, and must be consulted. The other two areas—community development and historic, architectural, and archeological resources—are areas in which GSA has expertise, but no specific legal jurisdiction. Even so, all of these areas are legitimate subjects for GSA comments on another agency's NEPA document.

Regional NCEs should be involved in formulating any GSA comment on another agency's NEPA document, since it is in the Regional NCE that the Region's NEPA-related expertise lies. The Regional NCEs also have records of GSA's own NEPA analyses and its comments on other agencies' work, and are thus in a position to help ensure consistency in GSA's positions. Where there is any possible policy implication to the proposed GSA comment, or any potential for inconsistency among Regions, the National Office NEPA Liaison should be involved in formulating the comment. A statement of fact like "The Corps of Engineers' proposed floodwall would protect Federal assets at the Springfield Federal Center" would seldom need to be coordinated with the NEPA Liaison, but a statement of opinion like "GSA believes that the architecture of the proposed Springfield Bank Building should replicate that of the surrounding Fieldspring Historic District" should be coordinated. *When in doubt, coordinate.*

See Chapter 11 of this Desk Guide for further guidance on technical reviews.

2.7 PUBLIC ACCESS TO GSA NEPA INFORMATION

NEPA is, among other things, a public disclosure law. Therefore, it is important that the public have access to GSA decision-making processes and environmental information.

Most information gathered during the NEPA process is subject to the Freedom of Information Act. In addition, during specific steps of the GSA NEPA process, the public is specifically invited to share and access information as part of GSA's public involvement process. See Chapters 3, 6, and 7 for more information.

CHAPTER 3 - LEVELS OF NEPA ANALYSIS

3.1 INTRODUCTION

Recall that Section 102(2)(c) of NEPA requires agencies to prepare a detailed statement of the significant impacts any major Federal action has on the quality of the human environment. One level of NEPA analysis is the preparation of such a “detailed statement,” referred to as an “Environmental Impact Statement” or EIS.

But how do you know whether your proposed action in fact will—or even may—significantly affect the quality of the human environment? Naturally, you would perform another, generally less detailed and rigorous, kind of analysis. Such an analysis begins with the question: could this action have a significant impact? In some cases, the answer is perfectly obvious, with little or no analysis needed. In other cases, some level of analysis is required in order to answer that question.

CEQ regulations set forth a general sequence of determinations you can make to help you decide how much environmental analysis your proposed action needs. From the onset, you can determine whether your action:

- Normally requires an Environmental Impact Statement, or
- Normally does not require either an Environmental Impact Statement or an Environmental Assessment (categorical exclusion).
- If the proposed action is not covered by paragraph (a) of this section, prepare an Environmental Assessment.[...]
- Based on the Environmental Assessment, determine whether to prepare an Environmental Impact Statement.

40 CFR 1501.4

One of the first steps in complying with NEPA, then, is to classify your action—that is, to decide which of the above categories it falls into, so you can determine what level of analysis it requires.

To understand how to classify your action, you should first understand the definitions of three very important NEPA terms:

- (1) Human Environment;
- (2) Effects or Impacts; and
- (3) Significantly (including its two components: context and intensity).

You should also understand how these terms work together to define the overall concept of major Federal action.

3.2 DEFINITIONS

3.2.1 Human Environment

Human Environment is defined as follows:

“Human environment” shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment.

40 CFR 1508.1

The term human environment includes the biophysical environment—that is, the natural world around us, the architectural or built environment, and the environment’s social, cultural, and economic aspects, its aesthetics, and its implications for human health.

3.2.2 Effects or Impacts

Effects or impacts are defined as follows:

Effects and impacts as used in these regulations are synonymous. Effects includes [sic] ecological (such as the effects on natural resources and on the compo-

nents, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

40 CFR 1508.8

Effects can be direct, indirect, and cumulative, defined as follows:

Direct and indirect effects:

- Direct effects, which are caused by the action and occur at the same time and place.
- Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

40 CFR 1508.8

Cumulative impact (or effect):

Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

40 CFR 1508.7

Also, the nature and magnitude of the environmental effects of an action help to de-

termine whether the action is defined as "major" (see Section 3.2.4 below).

3.2.3 Significantly

Significantly, as used in NEPA, requires that you consider both context and intensity.

(a) **Context.** This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) **Intensity.** This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

- (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.
- (2) The degree to which the proposed action affects public health or safety.
- (3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
- (4) The degree to which the effects on the quality of the human environ-

ment are likely to be highly controversial.

- (5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
- (6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
- (7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
- (8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
- (9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
- (10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

40 CFR 1508.27

To understand *significance* as defined above, apply both common sense and rig-

orous analysis to your specific determination.

Use the two components of context and intensity as the basis for analyzing the significance of a potential effect. For example, an otherwise minor action may become major when undertaken in the context of an endangered species' critical habitat or in the context of a low-income or minority community. In each of these contexts, the intensity of the potential effect must be considered, with reference to the factors listed above from the CEQ regulations.

3.2.4 Major Federal Action

Major Federal Action is defined as follows:

"Major Federal action" includes actions with effects that may be major and which are potentially subject to Federal control and responsibility. Major reinforces but does not have a meaning independent of significantly.

40 CFR 1508.18

Note the use of the words "may" and "potentially" in this definition. Considerable judgment is often required to determine whether a specific action fits this category. You should obtain expert advice when making this initial determination.

Note, too, that the word "major" "does not have a meaning independent of significantly." This seemingly confusing statement actually has a simple meaning: a Federal action is "major" if it has the potential for significant environmental impact. Thus, a seemingly minor project like cleaning the facade of a building could be a *major* Federal action if it could have significant effects, such as releasing chemicals that exceed a given level of intensity into a sensitive environmental context.

3.3. CLASSES OF ACTION FOR

ENVIRONMENTAL ANALYSIS AND DOCUMENTATION

Based on the definitions and concepts above, GSA classifies its actions as follows in terms of the level of environmental analysis required.

3.3.1 Categorical Exclusion (CATEX)

An action is categorically excluded (CATEX) from NEPA analysis and documentation if it meets the following CEQ definition:

“Categorical exclusion” means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency [...] and for which, therefore, neither an Environmental Assessment nor an Environmental Impact Statement is required.

40 CFR 1508.4

Note that if a normally excluded action may have a significant environmental effect, CEQ requires that you provide for “extraordinary circumstances.”

To determine whether “extraordinary circumstances” exist, break CATEX actions into two types:

- (1) The “automatic” CATEX: actions that have virtually no potential for significant environmental effects, or
- (2) The “checklist” CATEX: actions that require a cursory analysis, using a checklist, to ensure that no “extraordinary circumstances” exist that would require a higher level of environmental analysis.

3.3.1.1 Automatic Categorical Exclusions

Automatic CATEX's are actions that, by their nature, obviously have no potential to affect the environment. Such actions may be excluded from further NEPA review without analysis of any kind, except as discussed in the next paragraph. A list of automatic CATEX's is provided in Chapter 5, Section 5.3.

There may be circumstances—although they are almost unimaginable—in which an automatic CATEX action could have significant impacts on the environment, but it is GSA's judgment that the chances of such impacts are so extremely limited that review of each such action is not warranted. Nevertheless, you should be alert to the possibility of such a circumstance. If it appears that such impacts could occur, you should take the action through further review by completing the checklist used with “checklist” CATEX's. To determine whether a CATEX may have significant effects, use the “Indicators of Significance” presented in Section 3.5.

No specific documentation is required for an automatic CATEX, but the GSA official responsible for the action must be able to demonstrate familiarity with this Desk Guide and the ADM and PBS Orders on which the automatic CATEX determination is based.

3.3.1.2 Categorical Exclusions Requiring Completion of a Checklist (Checklist CATEXs)

A checklist CATEX action is one that is normally CATEX, but has some potential, under certain extraordinary circumstances, to have a significant effect. To determine whether it is in fact a CATEX or whether extraordinary circumstances apply that require either an Environmental Assessment or an Environmental Impact Statement, complete a checklist with regard to each

action. A list of CATEX actions that normally require a checklist is provided in Chapter 5, Section 5.4.

Documentation for this level of analysis is a completed and officially approved checklist, together with whatever supporting data are needed to substantiate the conclusions reached.

3.3.2 Environmental Assessment (EA)

An Environmental Assessment (EA) is defined in the CEQ regulations as follows: "Environmental Assessment":

- (a) Means a concise public document for which a Federal agency is responsible that serves to:
 - (1) Briefly provide sufficient evidence and analyses for determining whether to prepare an environmental impact statement or a finding of no significant impact.
 - (2) Aid an agency's compliance with the Act when no environmental impact statement is necessary.
 - (3) Facilitate preparation of a statement when one is necessary.
- (b) Shall include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E) [of the Act], of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

40 CFR 1508.9

Your proposed action will require an EA if it is not a CATEX (i.e., not on the list in Chapter 5, Section 5.3), and does not obviously require an Environmental Impact Statement. To determine whether your action is in fact a "major Federal action significantly affecting the quality of the human

environment" and thus requires an Environmental Impact Statement, you would conduct an EA analysis.

Procedures for conducting an EA analysis and documenting the results are described in Chapter 6. You will not find a list of actions that require an EA analysis because this class of actions embraces everything that GSA does that is not obviously a CATEX and that does not obviously require an Environmental Impact Statement.

The outcome of an EA is either (1) a Finding of No Significant Impact (FONSI) signed by the Regional Administrator, determining that an Environmental Impact Statement is not necessary, or (2) a determination that an EIS is necessary, where upon a Notice of Intent (NOI) is published and the EIS is prepared.

Documentation for this level of analysis consists of either (1) an EA and FONSI, or (2) a set of analysis files and a Notice of Intent to prepare an Environmental Impact Statement (see Chapter 7).

3.3.3 Environmental Impact Statement (EIS)

"Environmental Impact Statement" means a detailed written statement as required by section 102(2)(c) of the [National Environmental Policy] Act.

40 CFR 1508.11

An action requires an EIS when it is a major Federal action with the potential for significant effect on the quality of the human environment.

Documentation for this level of analysis consists of a Draft and Final EIS, including responses to agency and public comments, and a Record of Decision (ROD) signed by the Regional Administrator describing GSA's final action decision.

3.3.3.1 Actions That Normally Require an EIS

Certain GSA actions are so obviously major Federal actions with the potential for significant effects on the quality of the human environment that an EIS is always needed. If you propose such an action, there is no reason to go through the time and expense of preparing an EA; instead, the responsible GSA official should undertake preparation of an EIS as early as possible in planning. A list of actions that normally require an EIS is provided in Chapter 7, together with procedures for conducting the EIS analysis and preparing an EIS.

3.3.3.2 All Other Non-CATEX Actions

Any other GSA action requires an EIS when the results of an EA indicate the likelihood of significant effects on the quality of the human environment.

3.4 DETERMINING THE APPROPRIATE LEVEL OF ANALYSIS

3.4.1 Determining Purpose and Need

The first step in determining how much environmental analysis an action needs is to determine the purpose and need for the action. That is, clearly specify what GSA is trying to accomplish, and why. For example, the Corps of Engineers may need to establish a new district office in a given area, in response to Congressional direction, and the purpose of a GSA space action might be to accommodate that need.

Care is important in determining purpose and need because this determination defines the range of alternatives that can be considered and, as a result, greatly influences whether the action is likely to have a significant effect. For example, if the Corps of Engineers' district office will have a staff of 50, and can be located in a major urban

center with extensive available office space, the only realistic alternatives will probably be the use of existing Federal facilities and leasing existing space, and the action may be a CATEX. If the district office will have a staff of 400, and Congress has directed that it be located in a small town or rural area, new construction will probably be an alternative that must be considered, and an EIS will probably be necessary.

3.4.2 Defining the Action

Based on the purpose and need, the next step is to define the proposed action. In the first of the examples given above, assuming no Federal office space is available, the action might be defined as leasing space for 50 Corps of Engineers employees in any of several cities in an area, or perhaps in a preferred city. In the second example, the action might be defined as constructing facilities for 400 Corps employees in a specified community.

3.4.3 Is the Action Obviously a CATEX or Does It Obviously Require an EIS?

Having decided what the action is, you can now refer to Chapter 5 and see whether the action falls into a listed CATEX category, and if so, whether it requires completion of a checklist. If it does require a checklist, complete the checklist (or have a qualified contractor prepare it) and document the results. If the checklist indicates that extraordinary circumstances may exist, and that as a result the action MAY have a significant effect, go on to prepare an EA. If the checklist indicates that the action WILL have a significant effect, go on to prepare an EIS. If the checklist does not indicate such circumstances, document this conclusion. The action can now proceed.

On the other end of the spectrum, you can refer to Chapter 7 and see whether the ac-

tion falls into a class that always requires an EIS. If so, proceed with the process set forth in Chapter 7. If not, conduct an EA following the procedures in Chapter 6.

3.5 INDICATORS OF SIGNIFICANCE (FACTORS TO CONSIDER)

Determining the appropriate level of analysis is not a cut and dried matter of referring to lists; it requires judgment. In applying such judgment, there are a number of factors to consider, based on the CEQ list of "indicators of significance" (see Subsection 3.2.3, above). For CATEXs, these factors define the "extraordinary circumstances" as required by 40 CFR 1508.4, and are reflected in the CATEX Checklist. They are also factors (but not necessarily the only factors) to consider in conducting an EA to determine whether an EIS is needed, and to consider in scoping (see Chapter 4). As discussed in Chapter 4, scoping is the process of determining the scope of NEPA analysis, through review of existing data, consultation, and an appropriate level of public participation.

The CEQ list is not inclusive, but reflects issues that are often involved in GSA actions. Use good judgment and consult with the NCE when you apply the list to any specific situation. Further study (e.g., a Phase II Environmental Site Assessment; a historic buildings survey) may be needed before answering some of these questions (see Chapter 9).

3.5.1 List of Factors

3.5.1.1 Consistency With Law

- Could the action threaten a violation of Federal, State, Indian tribal, or local law or requirements imposed for protection of the environment (e.g., State air quality standards, EPA's solid waste management guidelines, OSHA noise stan-

dards, local historic preservation ordinances)?

- Could the action require a permit under any Federal, State, or local environmental law?
- Could the action have impacts on environmental resources held in trust for Indian tribes by the U.S. government?

3.5.1.2 Consistency With Existing and Desired Local Conditions

- Could the infrastructure demands of the action (e.g., sewer, water, utilities, street system, public transit) be considered a burden by local or regional officials?
- Is the action incompatible with existing zoning or the official land use plan for the specific site and/or the affected delineated area?
- Could the action be located on or adversely affect parklands, prime farmlands, floodplains, wetlands, wildlife refuges, wild and scenic rivers, National Natural Landmarks (NNL), National Parks, National Monuments, Federally designated wilderness, areas under study for NNL, Wilderness, National Park or Monument status, or other ecologically critical areas?
- Could the action alter or affect an area that is being considered or has been identified for protection by Federal, State, regional, or local government agencies or Indian tribes? Examples include, but are not limited to, Wilderness, Wild and Scenic River, Historic Landmark, open space or conservation areas.

3.5.1.3 Toxic and Hazardous Materials

- Could the action result in the use, storage, release and/or disposal of any toxic, hazardous, or radioactive materials?
- Is the action located on or near an active or abandoned toxic, hazardous or radioactive materials generation, storage, transportation or disposal site? (Applying this factor may require a Phase I site characterization study in cases of site acquisition, new construction, lease construction, constructions of additions, and real property disposal.)

3.5.1.4 Natural Environment

- Could the action adversely affect an endangered or threatened species, a species under official Federal, State, or Indian tribal consideration for such status, or the critical habitat of such a species?
- Is the action located on or near an active geological fault or other unique geological feature that would affect the safety or environmental impact of the project?

3.5.1.5 Sociocultural Environment

- Could the action cause changes in the ways members of the surrounding community, neighborhood, or rural area live, work, play, relate to one another, organize to meet their needs, or otherwise function as members of society, or in their social, cultural, or religious values and beliefs?
- Could the action have environmental impacts on a minority or low-income group that are out of proportion with its impacts on other groups?

- Could the action affect properties included in or eligible for the National Register of Historic Places, or other culturally valued properties such as traditional neighborhoods or communities, cemeteries, culturally significant rural areas, archeological sites, or places of religious importance to Indian tribes, Native Alaskans or Native Hawaiian groups?
- Could the action affect the practice of a Native American religion, for example, by impeding access to a sacred place?

3.5.1.6 Controversy, Uncertainty, Risks

- Could the action generate controversy on environmental grounds? The controversy must be related to potential impacts on some aspect of the environment; mere unpopularity of an action (without an environmental nexus) is not sufficient to trigger this indicator.
- Does the action have effects on the human environment that are highly uncertain or involve unique or unknown risks?

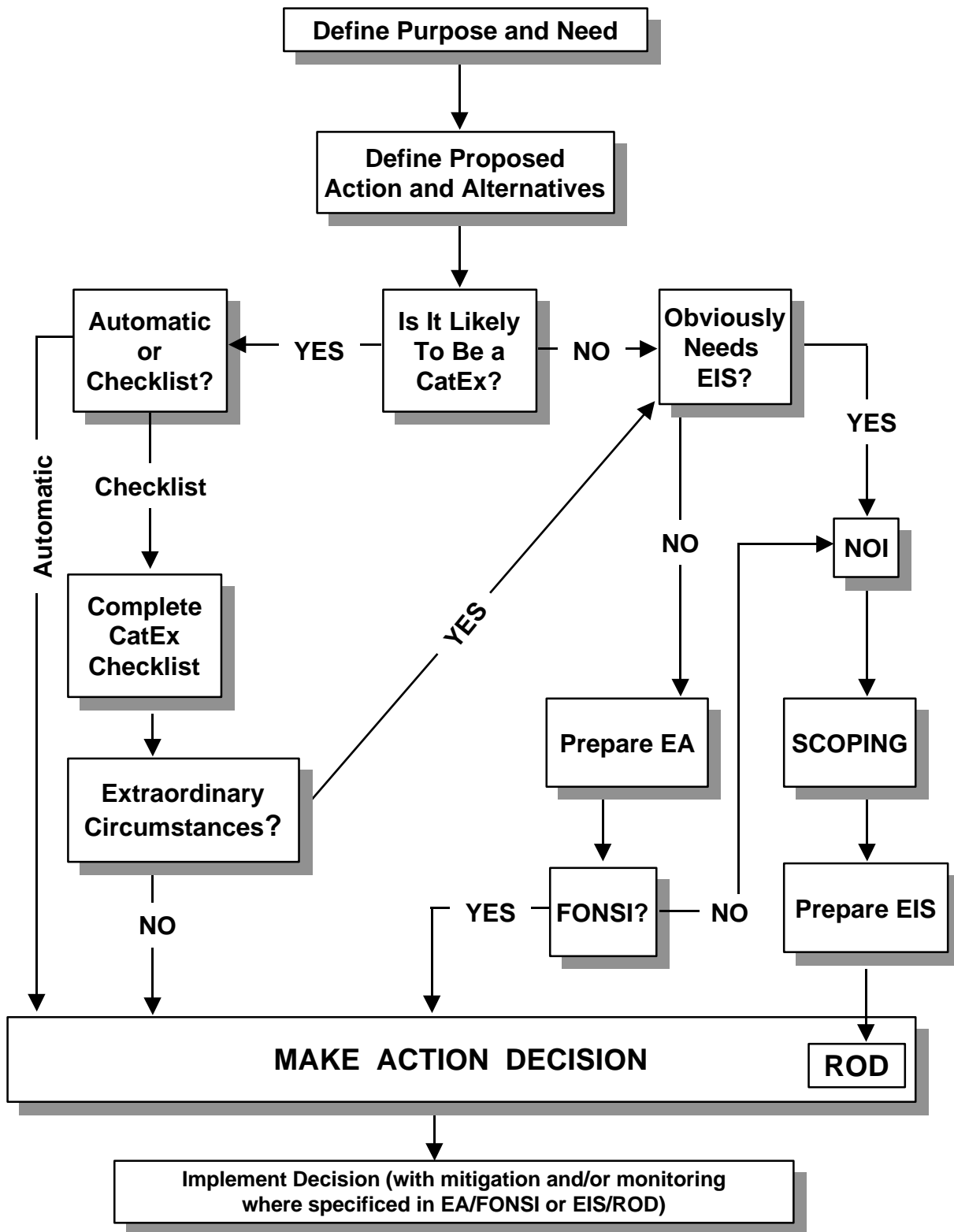
3.5.1.7 Cumulative and Precedential

- Is the action related to other actions with individually insignificant but cumulatively significant impacts? For example, is the action part of an ongoing pattern of development that could collectively change the quality of the human environment such as suburbanization, "gentrification," or urban renewal?
- May the action establish a precedent or represent a decision in principle that could lead to future actions with significant environmental effects?

3.5.1.8 Other

- Could the action affect public health and safety in any other ways not specifically listed above?
- Could the action have any direct or indirect effects on any other environmental media or resources not specifically listed above?

Exhibit 3-1: NEPA IN A NUTSHELL



CHAPTER 4 - SCOPING AND PLANNING FOR PUBLIC INVOLVEMENT

4.1 SCOPING

4.1.1 Purpose

"Scoping" means determining the scope or range of environmental analysis needed. Although scoping is discussed in the CEQ regulations largely in the context of EIS preparation, there is actually a scoping element to any kind of NEPA analysis. In 15 separate places, the CEQ regulations state that scoping is a key tool to help eliminate unimportant issues, focus the analysis on important issues, and prevent redundancy and excess bulk in documents.

4.1.2 Definitions

4.1.2.1 "Scoping"

Scoping is defined in the CEQ regulations as follows:

There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping. [...]

(a) As part of the scoping process the lead agency shall:

- (1) Invite the participation of affected Federal, State, and local agencies, any affected Indian Tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds) [...]
- (2) Determine the scope and the significant issues to be analyzed in depth [...]

(3) Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review [...] narrowing the discussion of these issues [...] to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere.

(4) Allocate assignments [...] among the lead and cooperating agencies ...

(5) Indicate any public Environmental Assessments and other Environmental Impact Statements which are being or will be prepared that are related to but are not part of the scope of the [document] under consideration.

(6) Identify other environmental review and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies concurrently with, and integrated with, the [document]... .

(7) Indicate the relationship between the timing of the preparation of environmental analyses and the agency's tentative planning and decisionmaking schedule.

(b) As part of the scoping process the lead agency may:

- (1) Set page limits on environmental documents [...]
- (2) Set time limits [...]

- (3) Adopt procedures [...] to combine its environmental assessment process with its scoping process.
- (4) Hold an early scoping meeting or meetings which may be integrated with any other early planning meeting the agency has. Such a scoping meeting will often be appropriate when the impacts of a particular action are confined to specific sites.

40 CFR 1501.7

4.1.2.2 Scope

The scope of environmental analysis under NEPA is very specifically defined in the CEQ regulations as follows:

Scope consists of the range of actions, alternatives, and impacts to be considered ...

... agencies shall consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include:

- (a) Actions (other than unconnected single actions) which may be:

- (1) Connected actions, which means that they are closely related and therefore should be discussed [together]. Actions are connected if they:

- (i) Automatically trigger other actions which may require [an EA or EIS].

- (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.

- (iii) Are interdependent parts of a larger action and depend on the larger action for their justification.

- (2) Cumulative Actions, which when viewed with other proposed actions have cumulatively significant im-

pacts and should therefore be discussed [together].

- (3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions [together]. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single [document].

- (a) Alternatives, which include:

- (1) No action alternative.
 - (2) Other reasonable courses of actions.
 - (3) Mitigation measures (not in the proposed action).

- (c) Impacts, which may be:

- (1) Direct;
 - (2) Indirect;
 - (3) Cumulative.

40 CFR 1508.25

4.1.3 Application

Some kind of scoping is used at all three levels of NEPA analysis:

- For CATEXs that require an environmental checklist, completing the checklist is a form of scoping.
- For EAs and EISs, scoping is needed to determine, up front, what issues to address, and the kinds of expertise, analyses, and consultations likely to be needed. Scoping can thus serve as the basis for budgeting the time and money necessary for the work. Scoping for an

EA also may lead to the identification of significant potential effects, and the decision to prepare an EIS instead.

With the advice of or at the direction of the NCE, you will determine how much and what kind of scoping is necessary for a specific action, and which specific methods of obtaining agency, Tribal, proponent (if any) and other public participation will be used.

Scoping streamlines the NEPA process by limiting the range of analysis to only those issues that are significant, while ensuring that a full range of action alternatives is explored and all potential impacts are identified at the beginning of the planning process.

There are two kinds of scoping: internal and external.

4.1.4 Internal Scoping

Internal scoping means scoping carried out within GSA and by GSA personnel and contractors. It may be the only kind of scoping done on a CATEX, or in scoping a simple EA, or it may be used prior to and in conjunction with public scoping. Internal scoping includes interdisciplinary analysis, review of previous actions, and review of pertinent background data. The NCE should always be involved in internal scoping.

4.1.4.1 Interdisciplinary Analysis

NEPA requires use of an “interdisciplinary approach” to environmental analysis. This is most easily accomplished by using an interdisciplinary team whose members represent areas of expertise appropriate to the scope of analysis and the environmental issues identified during scoping. (Section 102(2)(A) of NEPA, and 40 CFR 1502.6 in **Appendix 1.**)

Determining what sort of interdisciplinary team will be needed is an important function of scoping, but some level of interdisciplinary analysis is needed during scoping itself. The NCE should be able to provide you with the interdisciplinary expertise required for NEPA analyses, either with staff resources or by contract.

4.1.4.2 Review of Previous Actions

Environmental issues pertinent to an action can often be identified by reviewing the NEPA documents, background studies, and similar documents prepared for prior actions in the area. Even if GSA has not performed a NEPA analysis in the area before, it is likely that another agency has, or perhaps pertinent studies have been carried out under another Federal, State, or local authority. Review of previous environmental records can also help simplify the actual NEPA analysis and documentation, since CEQ regulations allow an EIS or EA to incorporate the results of previous environmental reviews by reference — that is, to cite such results as one would cite previously published information in any kind of subsequent report. The NCE should be able to assist you in obtaining the results of previous environmental analyses, and in interpreting them.

4.1.4.3 Review of Pertinent Background Data

Background data on the area or areas in which your proposed action may take place, including alternatives, can serve as an important basis for scoping. Background data on soils, geology, hydrology, sociology, archeology, history, economic conditions, cultural activities, architecture, air and water quality, and current and former land uses can all be pertinent, depending on the nature of the action and the factors likely to be involved in analysis. Often such data are readily available either within GSA or from libraries and other pub-

lic institutions. The NCE should be able to assist you in identifying and reviewing such data.

4.1.5 External Scoping

External scoping, including formal public involvement, consultations with agencies with jurisdiction by law or expertise, and publication of notices and draft documents, is required by the CEQ regulations. It is used to refine, adjust, or correct the issues identified by internal scoping.

4.1.5.1 Agencies With Jurisdiction by Law or Expertise

Consultation with other Federal, State, and local government agencies, and with Indian tribes through government-to-government mechanisms, is crucial to successful external scoping under NEPA, and is required by the CEQ regulations as a part of EIS scoping.

The regulations require consultation with "agencies with jurisdiction by law or expertise." Agencies with "jurisdiction by law" are those whose permission or assistance may be required by GSA in order for the action to proceed (e.g., the Army Corps of Engineers if wetlands may be affected), and those with other kinds of regulatory or advisory authority with respect to the action or its effects on particular environmental factors (e.g., the Fish and Wildlife Service with respect to endangered species, or the Advisory Council on Historic Preservation with respect to historic properties). Agencies with "expertise" are those who are likely to have authoritative information and opinions about the area where the action is proposed, or about environmental impacts (e.g., the National Biological Service in the Department of the Interior, or a State Historic Preservation Officer). Federal, State, Indian tribal, and local agencies with jurisdiction by law or expertise should all be consulted. Consultation should be an on-

going process. Continued dialogue and discussions with relevant outside agencies is essential to good GSA decisions and smooth NEPA processes.

The list of pertinent agencies, arranged by environmental resource or topic, is included in the **Appendix 4** to this Desk Guide. **Appendix 4** also contains non-governmental organizations which may have an interest in the action. Depending on the nature of the topic, and applicable laws and regulations, it may be appropriate to involve some of these agencies as "cooperating agencies" (see Section 2.3.2, above). The list provided in the **Appendix 4** is not exclusive and may not be up-to-date when you use this Desk Guide. The NCE should be able to help you identify agencies pertinent to the action under review.

4.1.5.2 Public Participation

Public participation, or public involvement, is required by CEQ as a part of EIS scoping. Often public participation also is appropriate in the preparation of EAs, and in determining whether exceptional circumstances exist that prevent application of a CATEX. The level and kind of public participation depend on the nature of your proposed action and the likely environmental issues identified during internal scoping (see Section 4.1.4 above).

4.1.5.3 Documenting the Results of Scoping

The written results of scoping depend on the level at which scoping is done. The documentary result of scoping a CATEX is a completed checklist; that of an EA or EIS is typically the scope of work for the analysis to be performed, or a scoping document that serves as the basis for developing a scope of work. Chapter 7 presents a list of items that should be covered in an EIS scoping document; this list can be used, as

applicable, in documenting scoping at other levels of NEPA analysis as well.

4.2 PLANNING FOR PUBLIC INVOLVEMENT

4.2.1 When Is Public Involvement Appropriate?

Public involvement is appropriate:

- During scoping;
- During the actual analysis of alternatives, the affected environment, and potential impacts; and
- During the review of the results of analyses as recorded in CATEX Checklists, EAs, and EISs.

The level and kind of public involvement varies widely and depends on the nature of the action and the issues involved. The important thing to remember is that public involvement is not simply a matter of holding a meeting, hearing the public's views, and ignoring them. It involves ongoing dialogue with concerned members of the public, aimed to the extent feasible at reaching agreement.

4.2.2 Means of Providing for Public Involvement

There are many ways to accomplish appropriate public involvement, and there is a growing literature on such methods. Some sources list up to 100 different ways of achieving interactive (two-way) communication. Specific kinds of public participation may include workshops, formal and informal consultation, field trips, facilitated and mediated consultation, public meetings, and solicitation and review of and response to comments. One-way information flow, often called public relations or public education, can be achieved through various kinds of paper or electronic publications, information fairs, and electronic interactive media. Professional assistance in interac-

tive media, meeting management, facilitation, and mediation may be necessary in complex or controversial cases.

Recommended ways of involving the concerned public include:

- Find who the potential "stakeholders" (that is, those with an economic, cultural, social, or environmental "stake") in the action are, through background research, consultation with knowledgeable parties, and public meetings.
- Consult with stakeholders to establish and address their concerns.
- Where appropriate and necessary, use facilitators or mediators.
- Where feasible and consistent with the Federal Advisory Committees Act (FACA), seek formal, written agreement with stakeholders on whether and how to move forward with the action, what mitigation measures to take, etc.

Where there may be language or cultural barriers to effective communication about a decision (e.g., where a low-income or minority community is involved that is not proficient in English), be sure that public participation measures are sensitive to such barriers and help people try to overcome them. Translations into the community's usual language, and meetings held in ways that accommodate their cultural traditions, values, and modes of communication may be necessary. Again, professional assistance may be necessary.

When you hold public meetings for purposes of scoping, you must:

- ensure that meeting facilities are accessible to the disabled;
- Provide signers or interpreters for the hearing impaired.
- Make special arrangements as needed for consultation with affected Indian tribes or other Native American groups

who have environmental concerns that cannot be shared in a public forum.

Public participation activities must be sensitive to the requirements of the FACA, which controls the use of external advisory committees in agency decisionmaking. Generally speaking, if you intend to use an advisory committee with members from outside the government to reach consensus on a decision, this committee will almost certainly require a formal GSA charter. You may risk violating FACA if you participate in collaborative activities or partnerships, or if you hold regular meetings with interest groups (other than Federally recognized Indian tribes). Occasional meetings with such groups should not be a problem if solicited by the outside group and as long as they do not become regular. Public meetings and workshops are not problems under FACA provided they are truly open and widely advertised.

4.2.3 Establishing the Appropriate Level of Public Involvement

Establishing the appropriate level and kind of public involvement is an important part of scoping any NEPA analysis. Obviously, not all GSA decisions subject to NEPA review require the same level and kind of public involvement.

Some students of management classify decisions into the following five types, based on the amount and kind of public participation they require¹:

¹ This discussion is largely based on the work of V. Vroom and P. Yetton (1973: Leadership and Decisionmaking; University of Pittsburgh Press, Pittsburgh), as applied to ecosystem management by S.E. Daniels, R. L. Lawrence, and R. J. Alig in "Decision-Making and Ecosystem-Based Management: Applying the Vroom-Yetton Model to Public Participation Strategy" (Environmental Impact Assessment Review 1996:16:13-30, Elsevier, New York).

- *Autonomous decision*: The responsible official makes the decision alone, without public involvement.
- *Semi-autonomous decision*: The responsible official seeks input from the public, but then makes the decision alone in a way that may or may not reflect the public's input.
- *Segmented public consultation*: The responsible official discusses the potential decision, its impacts, and options for resolving impacts separately with different segments of the public, gets their ideas, and then makes a decision that reflects (among other things) the influence of the various groups, and GSA's best effort to balance their interests.
- *Unitary public consultation*: The responsible official discusses the potential decision, its impacts, and options for resolving impacts with the public as a single, assembled group. The decision is then crafted, as best it can be, to reflect both the needs that require the action being decided on and the influence of the public.
- *Public decision*: The responsible official shares the need for a decision with the public, and attempts to reach agreement on what decision to make.

To determine the kind of decision necessary for your action, answer the following questions:

- Does the action involve requirements that could make one alternative way of carrying out the action better than another? For example, are there engineering requirements, architectural requirements, legal review requirements, or environmental, public health, or other standards that could make one way of doing the project better than another?

A space acquisition decision, for instance, is subject to a host of such requirements, while purchasing office supplies is subject to only a few (e.g., cost, quality, availability, government procurement policies).

- Do you have enough information before beginning the process of decisionmaking to make the decision and make it right? Using our previous example, you could never have *all* the information needed to make a space acquisition decision before beginning the process of planning and review of data, but the information needed to purchase office supplies is probably readily at hand.
- Is the subject of the decision such that there are multiple potentially feasible alternatives, or not? For example, there are usually a number of alternative ways to carry out a major space acquisition, but if a single agency's staff has increased and space is needed, you could choose to simply acquire additional space in the building the agency already occupies.
- Is public acceptance important to carrying out the decision? Public acceptance is almost never a concern when you purchase office supplies (though acceptance by users may be), but it is often (though not always) a concern when you acquire space.
- Is public acceptance reasonably certain, even if the decision is made without public involvement?
- Does the public that is relevant to the decision share GSA's goals regarding the decision?
- Is conflict within the public, or between the public and GSA, likely to result from one or more of the potential alternative decisions?

Answering "yes" or "no" to each of these questions will lead you to a logical and defensible conclusion about how much and what general kind of public participation you will need to make a good decision on your action (See **Exhibit 4-1**).

See Chapters 5, 6, and 7 for discussion of public participation in the application of CATEXs, the preparation of EAs, and the preparation of EISs.

Public participation processes designed for carrying out NEPA requirements also can be used to comply with the requirements of other environmental laws, such as the NHPA; the CERCLA; the Native American Graves Protection and Repatriation Act (NAGPRA); Superfund Amendments & Reauthorization Act (SARA) Title III (Emergency Planning and Community Right-to-Know Act, or EPCRA); and Executive Orders (EO) 11988, 11990, and 12372. Some of these laws, and their implementing regulations, establish specific procedures for consultation that you should consider in planning public participation under NEPA. A NEPA public participation program that does not address these requirements will not be adequate to demonstrate compliance with the other laws.

4.2.4 Ensuring Understandability

As part of scoping, make sure that arrangements are made to make the NEPA analysis as clear, simple, and straightforward as possible, and to make the resulting NEPA document (whether an EA or EIS) as understandable as possible to both decisionmakers and the public. Minimize the use of jargon, and explain technical terms where they must be used. Plan to use graphics to the maximum extent possible. "Before" and "After" representations of the likely effects of various alternatives are especially effective. Try to make sure that the character of the environment, the alternatives, and the effects of each alternative

are clearly conveyed to the reader. Where some readers use languages other than English as their first language, consider providing summaries in these languages. NEPA documents should be written in such a way that a reasonably literate high school student can understand them.

EXHIBIT 4-1: DETERMINING LEVEL OF PUBLIC PARTICIPATION

	YES	NO
Special Requirements?		
Sufficient Information?		
Decision Predetermined?		
Public Acceptance Critical?		
Acceptance Reasonably Certain?		
Shared Goals?		
Conflict Likely?		

CHAPTER 5 - CATEGORICAL EXCLUSIONS

5.1 PURPOSE

The stated purpose of Categorical Exclusions (CATEXs) is to limit extensive NEPA analysis to those actions that may be major Federal actions significantly affecting the quality of the human environment, thus streamlining the NEPA process, saving time, effort, and taxpayer dollars.

5.2 DEFINITION

Your action may be categorically excluded from the requirement to prepare an EA or an EIS if it meets the following criteria:

"Categorical exclusion" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency [...] and for which, therefore, neither an Environmental Assessment nor an Environmental Impact Statement is required.

40 CFR 1508.4

GSA has identified two types of CATEXs:

- (1) The "automatic" CATEX, that by its very nature cannot be a major Federal action significantly affecting the quality of the human environment, and
- (2) The "checklist" CATEX, which requires completion of an environmental checklist to ensure no "extraordinary circumstances" exist to indicate the need for an EA or EIS.

5.3 AUTOMATIC CATEXs

The following are automatic CATEXs and require no checklist:

- (a) Issuance of easements, licenses, or outleases for use of space in existing Federal office buildings, where consis-

tent with local planning and zoning, provided Section 106 of the NHPA is complied with where applicable.

- (b) Acquisition of space within an existing structure, either by purchase or lease, where no change in the general type of use and only minimal change from previous occupancy level is proposed (previous occupant need not have been a Federal tenant).
- (c) Relocation of employees into existing Federally controlled space, that does not involve a substantial change in the number of employees or motor vehicles.
- (d) Reductions in force or other personnel, administrative, or ministerial actions, including bargaining with employee unions and managing routine activities normally conducted to protect or maintain GSA-controlled properties (e.g., security and custodial services).
- (e) Lease extensions, renewals, or succeeding leases.
- (f) Outlease or license of government-controlled space, or sublease of government-leased space to a non-Federal tenant when the use will remain substantially the same.
- (g) Acquisition of land or easements that result in no immediate change in use and where subsequent compliance with NEPA and other applicable laws and regulations will take place as needed.
- (h) Site characterization studies and environmental monitoring, including siting, construction, operation, and dismantling or closing of characterization and monitoring devices. Such activities include, but are not limited to:

- Site characterization and environmental monitoring activities under the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA);
 - Geological, geophysical, geochemical, and engineering surveys and mapping, including the establishment of survey marks;
 - Installation and operation of field instruments, such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools;
 - Drilling of wells for sampling or monitoring of groundwater, well logging, and installation of water-level recording devices in wells;
 - Aquifer response testing;
 - Installation and operation of ambient air monitoring equipment;
 - Sampling and characterization of water, soil rock, or contaminants;
 - Sampling and characterization of water effluents, air emissions, or solid waste streams;
 - Sampling of flora or fauna;
 - Archeological, historic, and cultural resource identification and evaluation studies in compliance with 36 CFR 800 and 43 CFR 7.
- (i) Administrative actions such as procurement of consultant services for appraisal or environmental analysis.
- (j) Repair and alteration projects involving, but not adversely affecting, properties listed on or eligible for the National Register of Historic Places, when there is no evidence of community controversy or other environmental issues. The process required by Section 106 of the NHPA must be followed; see ADM 1020.2.
- (k) Repairs and alterations or modernization conducted in accordance with applicable plans, such as Facility Master Plans, where such plans have been reviewed under NEPA and there is no evidence of community controversy or unresolved environmental issues. The process required by Section 106 of the NHPA must be followed; see ADM 1020.2.
- (l) Repair to or replacement in kind of equipment or components in GSA-controlled facilities without change in location, e.g. HVAC, electrical distribution systems, windows, doors or roof.
- (m) Facility maintenance, custodial, and groundskeeping activities not involving environmentally sensitive areas (such as eroded areas, wetlands, cultural sites, etc.), including window washing, lawn mowing, trash collecting, and snow removal.
- (n) Procurement contracts for professional services and supplies not addressed elsewhere here.
- (o) Preparation of implementation guidance.
- (p) Studies that involve no commitment of resources other than manpower and funding.
- (q) Assisting Federal agencies in public utilities management (excluding communications), negotiating for public utility services on behalf of Federal agencies, and providing expert testimony before public utility regulatory bodies.

- (r) Federal real property utilization surveys in accordance with Executive Order 12348.
- (s) Real property inspections for compliance with deed restrictions.
- (t) Administrative action by GSA to remove clouds on titles.

5.4 CHECKLIST CATEXs

The following are categorical exclusions that require preparation of a checklist to ensure that no extraordinary circumstances exist that would require preparation of an EA or EIS.

- (a) Acquisition of land which is not in a floodplain or other environmentally sensitive area and does not result in condemnation.
- (b) Acquisition of space by Federal construction or lease construction, or expansion or improvement of an existing facility where all of the following conditions are met:
 - (1) The structure and proposed use are substantially in compliance with local planning and zoning and any applicable State or Federal requirements (see Pertinent Regulations and Orders, in the **Appendix 1**);
 - (2) The proposed use will not substantially increase the number of motor vehicles at the facility;
 - (3) The site and the scale of construction are consistent with those of existing adjacent or nearby buildings; and
 - (4) There is no evidence of community controversy or other environmental issues.
- (c) Property disposal actions undertaken for another Federal agency, where that agency has already documented compliance with applicable legal requirements such as NEPA, NHPA, CERCLA, and ESA (see Pertinent Regulations and Orders in **Appendix 1**). (See ADM 1095.1d.)
- (d) Transfers of real property to government agencies.
- (e) Assignments of real property to another Federal agency for subsequent conveyance to a State or local agency, or to eligible non-profit institutions for health, educational, or park and recreation uses.
- (f) Disposal of real property to State or local agencies for wildlife conservation and historic monument purposes.
- (g) Disposal of real property required by public law wherein GSA has no discretionary authority.
- (h) Issuance of easements, licenses, or outleases for use of space in Federal facilities other than existing office buildings.
- (i) Disposal of related personal property, demountable structures, transmission lines, utility poles, railroad ties, and track.
- (j) Disposal of properties where the size, area, topography, and zoning are similar to existing surrounding properties and/or where current and reasonable anticipated uses are or would be similar to current surrounding uses (e.g., commercial store in a commercial strip, warehouse in an urban complex, office building in downtown area, row house or vacant lot in an urban area).

- (k) Abrogation of use restrictions contained in the conveyance documents of previous disposals when:
 - (1) Upon request of another Federal agency for concurrence, GSA only provides concurrence subject to the requesting agency's compliance with NEPA, or
 - (2) GSA has no reason to believe that the abrogation will result in a significant change in property use, or
 - (3) The abrogation is for a reduction in time only.
- (l) Sale of improvements to underlying property fee owner and disposal of fee ownership to parties who have had possession and/or use of the property for five years or more through permit, lease, license, or easement.

5.5 TIMING

For automatic CATEXs, no review is necessary. Therefore, timing is moot.

For Checklist CATEXs, the checklist should be completed as early as possible to ensure that NEPA and any other required environmental compliance is met before you decide to initiate the action. As soon as the need for a potentially excluded action is identified and clearly formulated, use and complete the checklist.

5.6 RESPONSIBILITIES

The project manager (project manager, realty specialist, asset manager, facility specialist, building manager, property manager, project developer) is responsible for determining whether the action meets the criteria for either an automatic or a Checklist CATEX, and documenting that determination in the project file. (see **Exhibit 5-1**).

Checklists must be completed by, with the oversight of, or in consultation with the NCE.

5.7 SCOPING FOR CATEXs

Checklist CATEXs require internal, and possibly external, scoping (see Chapter 4) to give you or the NCE the basis for preparing the environmental checklist. The NCE must be involved in checklist preparation, as the party that actually prepares the checklist, in consultation with program personnel who do so, or in an oversight and review capacity. External environmental experts and agencies with jurisdiction by law or expertise (such as the U.S. Fish and Wildlife Service and the appropriate State Historic Preservation Officer) must be consulted as needed, along with local government representatives, interest groups, and Indian tribes, as appropriate. Consultation should be documented in the project file.

The purpose of this level of scoping is to ensure that no "extraordinary circumstances" exist that would require preparation of an EA or EIS. Usually, the necessary information can be obtained through library or other internal GSA research, and consultation with outside parties can be accomplished via telephone and written correspondence—without the need for public meetings.

5.8 PUBLIC PARTICIPATION IN CATEXs

Generally, determining whether an action is a CATEX requires no public participation, but if an individual or group expresses interest in the project's environmental effects, they should be kept informed of the CATEX review and provided with a copy of the completed CATEX checklist.

5.9 COMPLETING THE ENVIRONMENTAL CHECKLIST

Under PBS 1095.4C, each Regional NCE must maintain a CATEX checklist. You and the NCE will use this checklist to consider the possible environmental consequences of Checklist CATEX actions.

Exhibit 5-1 is a model CATEX checklist. All Regional checklists are to be developed in consultation with the GSA NEPA Liaison and based on Exhibit 5-1. Instructions for completing the model checklist presented in Exhibit 5-1 are as follows:

5.9.1 Entering Basic Data

- **Action Name:** Give the project name and any identifying number or code.
- **Action Location:** For actions with specific or general locations (e.g., real estate transactions), give the address, including lot and block #, if appropriate.
- **Action Description:** Be as specific as possible, using additional sheets if needed; this will help you to determine the CATEX category in which your action fits and how to complete the rest of the checklist.
- **Category:** List the category into which you think the action falls (from Section 5.4 above).

5.9.2 Considering Environmental Consequences

The list of "Potential Environmental Consequences" is the heart of the checklist. It consists of eleven questions, each calling for a judgment by you and the NCE about the likelihood that a particular kind of environmental consequence will result from the proposed action. You or the NCE can complete this portion of the checklist, but if you complete it, you must consult with the NCE.

Based on internal review, external review (where appropriate), and research, check "YES," "NO," or "NEED DATA" for each question. Attach documentation as needed to support your answer. If you cannot check "YES" OR "NO," check "NEED DATA," and consult with the NCE about what data are needed and how to get them.

To help you decide whether to check "YES," "NO," or "NEED DATA," consider the following:

5.9.2.1 Checklist Question A:

Is the action likely to be inconsistent with any applicable Federal, State, Indian tribal, or local law, regulation, or standard designed to protect any aspect of the environment?

Think about whether your action is likely to have effects that would be inconsistent with such authorities as:

- EPA's solid waste management guidelines;
- Occupational Safety and Health Administration (OSHA) noise standards;
- A State Implementation Plan (SIP) under the Clean Air Act;
- Executive Order 11988 (Floodplain protection);
- Executive Order 12072 (Development in central business areas);
- Executive Order 13006 (Priority use of historic properties);
- A State's Coastal Zone Management Plan; or
- Applicable state, Indian tribal, or local environmental protection, historic preservation, noise control, visual impact, or social impact control ordinances.

Also consider whether your action is likely to need a permit under the Clean Air Act (CAA), Section 404 of the Clean Water Act (CWA), or another authority related to environmental protection, and whether it might affect environmental resources held in trust

for Indian tribes by the U.S. Government, such as lands or other resources to which tribes have rights by treaty.

5.9.2.2 Checklist Question B:

Is the action likely to have results that are inconsistent with locally desired social, economic, or other environmental conditions?

Think about whether your action is likely to:

- Change traffic patterns or increase traffic volumes;
- Have access constraints;
- Affect a congested intersection;
- Result in housing workers or others more than one-quarter of a mile from public transit;
- Require substantial new utilities;
- Be inconsistent with existing zoning, surrounding land use, or the official land use plan for the specific site and/or the affected delineated area;
- Be regarded as burdensome by local or regional officials or the public, because of infrastructure demands (e.g., sewer, water, utilities, street system, public transit);
- Change the use of park lands;
- Change the use of prime farm lands;
- Change the use of a floodplain;
- Alter a wetland;
- Be located on or near a wildlife refuge, a designated wilderness, a wild and scenic river, a National Natural Landmark, a National Historic Landmark, designated open space, or a designated conservation area;
- Be located on or near an area under study for any such designation;
- Be located on or near any other environmentally critical area; or
- Have adverse visual, social, atmospheric, traffic, or other effects on such a critical area even though it is NOT located on or near the area.

5.9.2.3 Checklist Question C:

Is the action likely to result in the use, storage, release and/or disposal of toxic, hazardous, or radioactive materials, or in the exposure of people to such materials?

Consider whether your action is likely to result in the use, storage, release, and/or disposal of toxic materials such as fertilizers, cleaning solvents, or laboratory wastes, or of hazardous materials such as explosives.

Also consider whether your action:

- Involves a facility that may contain polychlorinated biphenyl (PCB) electric transformers, urea formaldehyde, or friable asbestos.
- Would be on or near an EPA or State Superfund, or priority cleanup site.
- Involves construction on or near an active or abandoned toxic, hazardous or radioactive materials generation, storage, transportation or disposal site.
- Involves construction on or near a site where remediation of such materials has occurred.
- Involves use of a site that contains underground storage tanks (USTs), as evidenced by historical data or physical evidence such as vent pipes or fill caps.
- Involves water pipes and/or water supply appurtenances that contain lead in excess of EPA standards.
- Involves a facility or water supply that may contain radon in excess of the EPA action level.

If your action is a construction project, you may need to conduct a background historical study and field inspection to determine

whether it is likely that hazardous, toxic, or radioactive materials are present (see Section 9.5). Historical data such as chains of title and tax records can reveal whether activities have taken place there that could have released hazardous, toxic, or radioactive materials into the site, and whether USTs are likely to be present. Field inspection may reveal evidence of USTs such as vent pipes or fill caps, and evidence of site contamination such as stressed vegetation, soil surface stains, suspicious drums, cans, and other possible waste containers, or ponds, pits, sumps or ditches with suspicious odors or smells.

5.9.2.4 Checklist Question D:

Is the action likely to adversely affect a significant aspect of the natural environment?

Consider whether your action is likely to:

- Affect an endangered or threatened species, or its critical habitat;
- Affect a species under consideration for listing as endangered or threatened, or its critical habitat;
- Alter a natural ecosystem;
- Affect the water supplies of humans, animals, or plants;
- Affect the water table;
- Involve construction or use of a facility on or near an active geological fault;
- Result directly or indirectly in construction on slopes greater than 15%;
- Result in construction on or near hydric soils, wetland vegetation, or other evidence of a wetland; or
- Result in construction on or near any other natural feature that could affect

the safety of the public, or the environmental impacts of the action.

5.9.2.5 Checklist Question E:

Is the action likely to adversely affect a significant aspect of the sociocultural environment?

Think about whether your action is likely to cause changes in the ways members of the surrounding community, neighborhood, or rural area live, work, play, relate to one another, organize to meet their needs, or otherwise function as members of society, or in their social, cultural, or religious values and beliefs. Is your action likely to:

- Cause the displacement or relocation of businesses, residences, or farm operations;
- Affect the economy of the community in ways that result in impacts to its character, or to the physical environment;
- Affect sensitive receptors of visual, auditory, traffic, or other impacts, such as schools, cultural institutions, churches, and residences; or
- Affect any practice of religion (e.g., by impeding access to a place of worship)?

Give special attention to whether the action is likely to have environmental impacts on a minority or low income group that are out of proportion with its impacts on other groups. Consider, for example, whether the action is likely to:

- Result in the storage or discharge of pollutants in the environment of such a group;
- Have adverse economic impacts on such a group;

- Alter the sociocultural character of such a group's community or neighborhood, or its religious practices; or
- Alter such a group's use of land or other resources.

Also consider possible impacts on historic, cultural, and scientific resources. Think about whether the action is likely to have physical, visual, or other effects on:

- Districts, sites, buildings, structures and objects that are included in the National Register of Historic Places, or a State or local register of historic places;
- A building or other structure that is over 45 years old;
- A neighborhood or commercial area that may be important in the history or culture of the community;
- A neighborhood, commercial, industrial, or rural area that might be eligible for the National Register as a district;
- A known or probable cemetery, through physical alteration or by altering its visual, social, or other characteristics;
- A rural landscape that may have cultural or esthetic value;
- A well-established rural community, or rural land use;
- A place of traditional cultural value in the eyes of a Native American group or other community;
- A known archeological site, or land identified by archeologists consulted by GSA as having high potential to contain archeological resources; or
- An area identified by archeologists or a Native American group consulted by

GSA as having high potential to contain Native American cultural items.

Particularly in rural areas, give special consideration to possible impacts on Native American cultural places and religious practices. For example, consider whether the action likely to alter a place regarded as having spiritual significance by an Indian tribe or Native Hawaiian group, impede access to such a place by traditional religious practitioners, or cause a change in the use of, or public access to, such a place.

5.9.2.6 Checklist Question F:

Is your action likely to generate controversy on environmental grounds?

Consider first whether your action is likely to be controversial in any way. If so, consider whether this controversy is likely to have an environmental element. For example, the decision to locate an agency in a central business area may be controversial to employees who will have to commute from the suburbs, but this is not an environmental issue unless it can be reasonably argued that commuting will generate air pollution or have some other impact on the natural or sociocultural environment.

Environmental controversies can be about a host of things: impacts on historic buildings, archeological sites, and other cultural resources; impacts of traffic or parking on a community or neighborhood. To avoid missing a controversial issue that should be addressed under NEPA, be sure not to interpret the word "environmental" too narrowly.

5.9.2.7 Checklist Question G:

Is there a high level of uncertainty about your action's environmental effects?

Consider first whether there is anything you don't know about the action's potential impacts, and then think about whether what

you don't know has any significance. For example, when considering an outlease in a Federal facility, you might not know whether there are archeological sites in the vicinity. If the outlease would result in major ground disturbance, this uncertainty should be resolved before proceeding with the project. If the outlease will not result in ground disturbance, there may be no need to resolve your uncertainty.

5.9.2.8 Checklist Question H:

Is your action likely to do something especially risky to the human environment?

Find out whether there is some possible effect of your action that, while improbable, would be so serious IF it occurred that further review is appropriate. For example, you want to acquire land in a non-sensitive area (See 5.4(d)) that is generally unlikely to have adverse effects on the environment, but if there is an environmentally sensitive area downstream from the land you want to acquire, and use of the land might have the potential to cause pollution as groundwater flows through the sensitive area, then you must conduct further review.

5.9.2.9 Checklist Question I:

Is your action part of an ongoing pattern of actions (whether under the control of GSA or others) that are cumulatively likely to have adverse effects on the human environment?

Consider whether the action is related to other actions (by GSA or others) with impacts that are individually insignificant but that may, taken together, have significant effects. For example, is the action:

- Part of an ongoing pattern of development that could collectively change the quality of the human environment, such as suburbanization, "gentrification," or urban renewal?

- Part of an ongoing pattern of pollutant discharge, traffic generation, economic change, or land-use change in its locality that could collectively affect human health or the condition of the environment?

5.9.2.10 Checklist Question J:

Is the action likely to set a precedent for, or represent a decision in principle about, future GSA actions that could have significant effects on the human environment?

To answer this question, you must look forward and outward, and consider the possibility that what is done with your particular action will pave the way for future actions that could have serious environmental consequences. For example, you decide to issue a permit for the running of an all-terrain vehicle race across a particular surplus military installation. Because of the character of the particular installation, it might be possible to answer "NO" to CATEX Questions A through I, but if your decision to issue a permit were taken as a precedent for allowing such races across ALL surplus military installations, or as a decision in principle by GSA that such permits are appropriate, then a higher level of review of the action may be in order.

5.9.2.11 Checklist Question K:

Is the action likely to have some other adverse effect on public health and safety or on any other environmental media or resources that are not specifically identified above?

This question is designed to allow you to address any potential environmental effects that may be of concern but don't fall into any of the other categories. It implies that everyone is fallible, and that times change, so that effects that are not recognized as serious today may be so identified in the future.

5.9.3 Completing the Checklist

The checklist is not complete until all "NEED DATA" issues have been resolved and all blocks are checked either "YES" or "NO." Checking a single block to "YES" does not necessarily mean that an EA must be prepared; it may be possible to resolve the "YES" answer in another way. For example, disposal of real property to a State agency for historic monument purposes (CATEX 5.4(l)) invariably involves historic properties, and thus may affect an aspect of the sociocultural environment. However, it is probably safe to assume that the process of review under Section 106 of the NHPA will be sufficient to ensure that such effects are not adverse. So rather than completing an EA, you would ensure that your proposed action complies with Section 106 and its implementing regulations.

Resolve all "NEED DATA" issues and complete the checklist, attaching all supporting documentation. In the "Conclusions" section, circle the conclusion reached by the NCE, or by you in consultation with the NCE. Add the names of the relevant program staff and NCE representative below the signature blocks; then sign and date them. The checklist is now complete. It must be kept with the project files, and made available to the public and review agencies upon request, and as needed for review under authorities other than NEPA.

If you and the NCE cannot agree on the conclusions, consult the NEPA Liaison and Regional legal counsel for assistance.

5.10 FOLLOW THROUGH

Do not just file the CATEX Checklist and forget it. Make sure that you do what is necessary to carry out the conclusions reached. If it is concluded that the CATEX requires no further review, then file the checklist with the project files, and make it available to others as needed. If the conclusion is that further review is needed under another authority (e.g., Endangered

Species Act, Section 106), make sure that this review happens. If the conclusion is that an EA or EIS must be done, make sure that the appropriate level of analysis and documentation is carried out.

5.11 REQUIREMENTS FOR ENVIRONMENTAL ANALYSIS OTHER THAN NEPA

CATEX actions do not require EAs or EISs; they are "excluded" from higher levels of NEPA analysis. These actions are not excluded from other environmental laws and regulations, however. Therefore, you may need to conduct analyses, consult with other agencies, carry out public participation activities, and prepare documentation under these other laws even though your proposed action is a CATEX (e.g., a project to repair a building included in or eligible for the National Register of Historic Places).

Exhibit 5-1: CATEX Checklist

Action Name:
Action Location:
Action Description:
Category:

Part A: All Checklist CATEX Actions

	YES	NO	Need Data
A. Is the action likely to be inconsistent with any applicable Federal, State, Indian tribal, or local law, regulation, or standard designed to protect any aspect of the environment?			
B. Is the action likely to have results that are inconsistent with locally desired social, economic, or other environmental conditions?			
C. Is the action likely to result in the use, storage, release and/or disposal of toxic, hazardous, or radioactive materials, or in the exposure of people to such materials?			
D. Is the action likely to adversely affect a significant aspect of the natural environment?			
E. Is the action likely to adversely affect a significant aspect of the sociocultural environment?			
F. Is the action likely to generate controversy on environmental grounds?			
G. Is there a high level of uncertainty about the action's environmental effects?			
H. Is the action likely to do something especially risky to the human environment?			
I. Is the action part of an ongoing pattern of actions (whether under the control of GSA or others) that are cumulatively likely to have adverse effects on the human environment?			
J. Is the action likely to set a precedent for, or represent a decision in principle about, future GSA actions that could have significant effects on the human environment?			
K. Is the action likely to have some other adverse effect on public health and safety or on any other environmental media or resources that are not specifically identified above?"			

CONCLUSIONS:

1. The action is a CATEX and requires no further environmental review.
2. The action is a CATEX but requires further review under one or more other environmental authorities (list).
3. The action requires an EA.
4. The action requires an EIS.

Program Staff Date

NCE Representative Date

CHAPTER 6 - ENVIRONMENTAL ASSESSMENTS

6.1 PURPOSE

Once you have determined that your proposed action cannot be an automatic CATEX, or you have completed the CATEX checklist and concluded that your action will not automatically be the subject of an EIS but requires further review, your action must undergo an EA.

The principal purpose of an EA is to help you determine whether to prepare an EIS for your action. We use EAs as a method to streamline NEPA compliance for actions that are not major Federal actions significantly affecting the quality of the human environment.

There are three possible results of an EA:

- (1) A Finding of No Significant Impact (FONSI) (see Section 6.8 below);
- (2) A decision to prepare an EIS (see Chapter 7); or
- (3) A decision to withdraw the proposal on the basis of its environmental impacts.

6.2 DEFINITIONS

6.2.1 Environmental Assessments

The term Environmental Assessment is defined in the CEQ regulations as follows:

"Environmental Assessment":

- (a) Means a concise public document for which a Federal agency is responsible that serves to:
 - (1) Briefly provide sufficient evidence and analyses for determining whether to prepare an environ-

mental impact statement or a finding of no significant impact.

- (2) Aid an agency's compliance with the Act when no environmental impact statement is necessary.

- (3) Facilitate preparation of a statement when one is necessary.

- (b) Shall include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E) [of the Act], of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

40 CFR 1508.9

6.2.2 Tiering

Tiering is one of the 19 methods described by CEQ to help streamline the NEPA process, and reduce paperwork and delay.

The CEQ regulations define "tiering" as follows:

"Tiering" refers to the coverage of general matters in broader Environmental Impact Statements (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basinwide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared.

40 CFR 1508.28

A GSA program, plan, or policy environmental document of lesser scope (usually an EA) is said to be "tiered" to a program, plan, or policy environmental document of

greater scope (usually an EIS) in the following situations:

1. When you conduct an EA using site-specific analysis on an action for which general environmental impacts already have been described in a programmatic EIS.
2. When you conduct an EA using site-specific analysis on a selected site chosen from a delineated area that has previously been the subject of an EIS or EA.

6.3 CHARACTERISTICS OF A GOOD EA

An EA is not a "mini-EIS." If your action or the nature of its potential issues and impacts is complex and requires detailed and comprehensive analysis, an EIS should be performed (see Chapter 7).

To conduct a good EA, you should:

- Be analytic, not encyclopedic (40 CFR 1502.2);
- Use an interdisciplinary approach and integrate the natural and social sciences, and the environmental design arts (40 CFR 1502.6);
- Write in plain language, and use graphics to make it readily understandable by decisionmakers and the public (40 CFR 1502.8);
- Be concise—usually less than 15 pages in length, an EA should be no longer than absolutely necessary to comply with NEPA and the CEQ regulations (40 CFR 1502.2);
- Encompass the range of alternatives to be considered by the decisionmaker (40 CFR 1502.2)

- Describe how the alternatives and conclusions reached in the EA will or will not achieve the requirements of Sections 101 and 102(1) of NEPA and other environmental laws and policies (40 CFR 1502.2);
- Focus on significant environmental issues and alternatives; avoid including extraneous background data. (40 CFR 1502.1);
- Be clear, and to the point; support your alternatives and conclusions with evidence that you have made the necessary environmental analyses (40 CFR 1502.1); and
- Ensure that the EA serves as a means to correctly assess environmental impacts of a proposed action, not as justification for decisions already made (40 CFR 1502.2).

6.4 TIMING

The CEQ regulations describe how to determine when to do an EA:

- (a) Agencies shall prepare an Environmental Assessment when necessary under the procedures adopted by [the agency]. An assessment is not necessary if the agency has decided to prepare an EIS.
- (b) Agencies may prepare an Environmental Assessment on any action at any time in order to assist agency planning and decisionmaking.

40 CFR 1501.3

Begin to prepare an EA for your action as soon as you determine that the action cannot be categorically excluded from NEPA documentation, and that the action will not automatically be the subject of an EIS (see Chapter 3). Prepare the EA concurrently with the initial technical and economic

studies for the project. See **Appendix 2** of this Desk Guide for pertinent time frames.

You must complete any required consultations under other environmental laws such as the Endangered Species Act or the NHPA (see NEPA-Related Legal Requirements and Their Implications in **Appendix 3**) before you sign a FONSI. Through these consultations, measures to reduce (or mitigate) impacts below the level of significance may be identified and agreed upon with the relevant permitting or consultative agencies and groups (including public participation where appropriate; see Section 6.8 below). Mitigation agreed to through such consultations (including further consultations) may be carried out after the FONSI is issued, and must be stipulated in the FONSI.

6.5 RESPONSIBILITIES

The program staff (project manager, realty specialist, asset manager, facility specialist, building manager, property manager, project developer), is responsible for ensuring that an EA is conducted on any action that may require one, in consultation with, or with the oversight of, the Regional NCE. (See Chapter 2 of this Desk Guide.)

6.6 REQUIREMENTS FOR ENVIRONMENTAL ANALYSIS

You must conduct sufficient interdisciplinary environmental analysis to determine whether to prepare an EIS or a FONSI for your proposed action. Use scoping to limit and focus the range of analyses you conduct to those needed to make your determination.

6.6.1 Scoping

Scoping should determine what effects of the proposed action and its alternatives may, upon analysis, be *significant* to the human environment. Scoping should focus on, but not necessarily be bound by, the indicators of significance discussed in Chapter 3 and below. Scoping is an analytic activity that must be carried out in consultation with agencies having jurisdiction by law or expertise, the proponent (if any), neighborhood groups, local citizens, business and civic organizations, Tribes, and the public.

6.6.2 Consultation and Public Involvement

The CEQ regulations state that:

The agency shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing (environmental) assessments.

40 CFR 1501.4(b)

Agencies and other parties that need to be consulted during EA preparation vary depending on the character of your action and its effects. If effects on wetlands are involved, the Army Corps of Engineers will need to be consulted. If your action will take place in the coastal zone, consultation with the State coastal zone agency will be necessary. If historic properties may be affected, consultation under Section 106 of the NHPA should be coordinated with EA preparation. Where a neighborhood may be affected, its residents and their representatives should be consulted. Where an agency has specific procedures or regulations about how it is to be consulted, these should be followed. Where a low-income or minority community is involved, consultation must be carried out in a manner that takes into account language, cultural, educational, and economic barriers.

Public involvement should be provided for during EA preparation on at least two occasions: during scoping, and after signing a FONSI. The methods and amount of public involvement should be commensurate with the nature of the project, expected impacts, potential for public controversy, and potentially significant issues, as determined by you in consultation with the NCE, or by the NCE.

The basic rule is that those parties who may have concerns about, or information on, the potential environmental effects of your action should be involved in the preparation and review of the EA. Under no circumstances should you prepare an EA instead of an EIS in an attempt to minimize public knowledge of or involvement in an action. See Chapter 4, Scoping, for a more general discussion of public involvement.

Involving the public in an EA does not necessarily mean that the EA must be distributed in draft for comment, though this may often be appropriate. Public involvement in EA preparation is a flexible matter, generally involving one-on-one meetings, small group discussions, and other forms of consultation. In rare cases organized workshops, facilitated meetings, and mediation may be appropriate, but if such elaborate forms of involvement become necessary, this may be a strong indicator that your action is controversial enough on environmental grounds to merit preparation of an EIS.

6.6.3 Data Gathering and Analysis

Scoping may reveal that no new data are needed to determine whether or not your action will have significant effects. If this is the case, then scoping can lead directly to completion of the EA. On the other hand, scoping may lead you to the conclusion that additional data are needed, both to determine whether or not an expected envi-

ronmental impact is significant and to help develop suitable mitigation measures.

In gathering, analyzing, and reporting data, the CEQ regulations require that:

Agencies shall insure the professional integrity, including scientific integrity, of the analyses in [NEPA documents]. They shall identify any methodologies used and shall make explicit references by footnote to the scientific and other sources relied upon for conclusions.

40 CFR 1502.24

The CEQ requirements for interdisciplinary preparation, in which the disciplines of the preparers are appropriate to the scope and issues identified during scoping, apply to Environmental Assessments.

40 CFR 1502.6

6.7 STRUCTURE OF AN EA

6.7.1 Size

The CEQ recommends that EAs be limited to 15 pages:

Since the EA is a concise document, it should not contain long descriptions or detailed data which the agency may have gathered.... To avoid undue length, the EA may incorporate by reference background data to support its concise discussion of the proposal and relevant issues. Agencies should avoid preparing lengthy EAs except in unusual cases, where a proposal is so complex that a concise document cannot meet the goals [of the regulations] and where it is extremely difficult to determine whether the proposal could have significant environmental effects. In most cases, however, a lengthy EA indicates that an EIS is needed.

**46 Federal Register 18026
March 23, 1981**

One way to minimize the size of an EA is to use the CEQ tools called "tiering" and "incorporation by reference."

6.7.1.1 Tiering

The CEQ regulations explain the concept of "tiering" this way:

Whenever a broad Environmental Impact Statement has been prepared (such as a program or policy statement) and a subsequent statement or EA is then prepared on an action included within the entire program or policy (such as a site specific action) the subsequent statement or EA need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action.

40 CFR 1502.20

If the EA for your action is a follow-on action to an EIS, you should not repeat material already covered in the EIS, but should simply state that the EA is being "tiered" to the parent EIS, and explain the relationships between the two.

6.7.1.2 Incorporation by Reference

CEQ requires agencies to use "incorporation by reference" to reduce bulk in EAs (40 CFR 1502.21). This means you can cite references to data sources or standard methodologies without repeating verbatim, or paraphrasing, all the detail in the source you reference.

Thus, for example, you can state that a wetland has been delineated in accordance with standard practice described in the US Army Corps of Engineers' Wetland Delineation Manual, include the manual in the list of references cited, and state the results of the study. You would not include lengthy descriptions of field methods, mapping techniques, and equipment used.

6.7.2 Contents

The CEQ regulations require that EAs contain a "brief discussion" of the following topics:

(b) ... the need for the proposal, of alternatives as required by section 102(2)(E) [of the Act], of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

40 CFR 1508.9

Based on the results of scoping, the EA should contain the following sections:

- (1) Purpose and Need for the Action;
- (2) Description of Proposed Action and Alternatives, including No Action;
- (3) Description of Environmental Effects, if any;
- (4) Significance of Effects;
- (5) List of Preparers; and
- (6) References, Exhibits, and Appendix material.

For easy review, you can combine information on "affected environment," "environmental impacts," and "significance of effects" for each alternative into the proposed action and alternatives section.

6.7.2.1 Purpose and Need for the Action

This section should be no more than three pages long, and usually can be much shorter.

Prepare a brief description of the purpose of and need for your action, including enough relevant background on the operational, social, economic, and environmental objectives of your action to place it in an understandable context. Include enough location maps, tables, and other exhibit materials to show the purpose and need.

Examples:

"The United States Air Force has determined the F.E. Airfoil Air Force Base to be surplus to its needs, and has requested that GSA dispose of it. In disposing of the Base, GSA intends to maximize financial return to the US. government, while minimizing environmental, economic, and social impacts on the nearby town of East Westhaven, providing, as appropriate, for the needs of other Federal agencies, State agencies, and Indian tribes, and accommodating local needs for homeless housing."

"GSA proposes to improve efficiency in the management of Federal space needs in Bellweather, Vermont, by consolidating the offices of the Bureau of Alcohol, Tobacco, and Firearms; the Department of Veterans Affairs; and the Environmental Protection Agency. The three agencies now occupy all or parts of seven buildings, comprising 35,000 square feet of office space. Consolidation can reduce this figure to 25,000 square feet, and effect a variety of other efficiencies. Pursuant to Executive Orders 12072 and 13006, the consolidated facility should use historic buildings in the Bellweather downtown historic district. Pursuant to Executive Order 11898, the facility cannot be, or stimulate development, within the 100 year floodplain."

6.7.2.2 Description of Proposed Action and Alternatives, Including No Action

This section should be about three to four pages long.

Prepare a brief description of the proposed action and any alternatives, including the alternative of No Action. The alternatives section should be the descriptive "heart" of the EA, and include enough information (including location maps) so the decision-maker can readily understand and compare

the alternatives against the objectives outlined in the Purpose and Need section.

The alternatives discussion should include all realistic alternative ways of meeting the purpose and need, together with the "No Action" alternative. Use the No Action alternative as a baseline against which to measure the environmental impacts of other alternatives. No Action also provides a baseline to measure the adequacy of other alternatives in meeting the purpose and need for your action. An EA on any action that involves unresolved environmental conflicts should include discussion of alternatives to resolve such conflicts, in addition to a No Action alternative as required by 40 CFR 1508.25 (see 40 CFR 1507.2, referring to Section 102(2)(E) of the Act).

For example, if the proposed action is to provide new space for the Federal Bureau of Investigation (FBI), the No Action alternative obviously is to leave the FBI housed in whatever space it now uses. The EA should discuss both how well this alternative meets the purpose and need, and what its environmental impacts are (e.g., in terms of traffic, health and safety, social effects, etc.). If the preferred alternative is construction of a new building for the FBI in a particular location, and construction in this location would have impacts on local traffic, property values, or historic properties, explore alternatives (e.g., leasing) that would not have such impacts, or would have lesser impacts. Measure how well these alternatives meet the purpose and need of your action.

6.7.2.3 Environmental Effects

This section should be about four to seven pages long.

Prepare a brief description of the affected environment and environmental effects (if any) of your proposed action and alterna-

tives. Provide enough information in this description to determine whether any potential impacts are significant and thus require an EIS (see Chapter 3), or whether a FONSI can be prepared. Focus on those issues identified during scoping or during the analysis itself as potentially significant. The issues you identified as not significant during scoping need only be mentioned (to demonstrate they were considered), with a brief note as to why they were not considered further—unless studies and consultation during EA preparation reveal previously unanticipated significant effects, or that effects thought insignificant at the time of scoping really may be significant.

6.7.2.4 Significance of Effects

This is the analytical part of the EA. Analyze whether each potential environmental effect of your action and alternatives is significant, considering "context" and "intensity" in accordance with the CEQ regulations (40 CFR 1508.27).

Context. In what context(s) may effects occur? Will the effects occur in the context of an ecosystem, a community, a neighborhood, or a whole region? With there be effects on particular interests, or particular kinds of environmental variables? For example:

"Effects are possible primarily in the context of the East Bellhaven River Valley, and of East Bellhaven itself. Cumulative effects on all of southwestern Vermont are possible. The interests of low-income and minority (Hispanic) populations in southern East Bellhaven may be affected."

Intensity. In the context(s) within which effects may occur, use the CATEX Checklist (**Exhibit 5-1**) as an outline for describing the potential intensity of effects.

Example:

"II. Consistency with existing and desired local conditions

"a. The preferred alternative would not change traffic patterns or increase traffic volumes in the area, and would not have any access constraints. It would affect a congested intersection (Garvey and Murtagh Streets), but only by decreasing traffic through the improvements to Connally Blvd. Public transit is within two blocks of the site, minimizing the potential for congestion due to commuter traffic. Utility requirements are well within the capacity of available services. Based on these facts, the East Bellhaven Planning Department advises that it would not consider the infrastructural demands of the project to be burdensome (See Appendix III-3)."

6.7.2.5 List of Preparers

This section should be about one page long.

Include a list of preparers of the EA, showing that "the disciplines of the preparers [are] appropriate to the scope and issues identified in the scoping process," as required by 40 CFR 1502.6.

The list of preparers should include

- the names, titles, and qualifications of GSA reviewers of contractor or applicant information;
- the names and qualifications of any contractors; and
- the names, titles, and qualifications of GSA personnel directly involved in conducting the EA analysis and preparing the document (40 CFR 1506.5); and

- a listing of agencies and persons consulted (i.e., agencies with jurisdiction by law or expertise, Indian tribes, environmental and other interest groups or elements of the public) (40 CFR 1508.9).

6.7.2.6 References and Exhibits

Include any references, maps, and any appendix material as needed.

6.7.3 Format

Follow the EA format outlined in **Exhibit 6-1**, including the cover sheet and six content chapters. The EA text should be written in plain English (with summaries in other languages where needed) so as to be easily understandable by reviewers and decisionmakers. Photos, tables, maps, and diagrams must be clear, easily interpreted, and convey the intended concepts. This is particularly important where the original EA may be photocopied for distribution.

6.8 WHO PREPARES EAs FOR GSA PROJECTS

We normally prepare our own EAs, either in-house or by contract, with outside consultants (see Chapter 10, Contracting).

The CEQ regulations allow for applicants or proponents (e.g., a cooperating local government) to prepare an EA for a proposed action, but require that we take an active guidance and evaluative role during EA preparation, and take final responsibility for the resulting document:

- (a) ...the agency should assist the applicant by outlining the types of information required. The agency shall independently evaluate the information submitted and shall be responsible for its accuracy...

- (b) ...If an agency permits an applicant to prepare an Environmental Assessment, the agency, besides fulfilling the requirements of paragraph (a) of this section, shall make its own evaluation of the environmental issues and take responsibility for the scope and content of the Environmental Assessment.

40 CFR 1506.5

In practice, this means that a local government or other "applicant" may conduct studies, etc. on our behalf, but we must oversee and approve the work. Other Federal "applicants" may also do such studies, but often will involve us as a "cooperating" agency.

6.9 METHODOLOGY AND INTEGRITY

The CEQ regulations say:

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.

40 CFR 1502.24

Although this section of the regulations refers specifically to EISs, it applies equally to an EA. Methods must be reported, and sources must be identified. The professional integrity of those preparing and reviewing the EA must be ensured; including the integrity of the NCE. Under no circumstances is it acceptable for the preparer, or the NCE or other reviewer of an EA, to be called upon to ignore or misrepresent an environmental impact. It is also unacceptable for the NCE or other reviewer to be called upon to ignore an inadequacy in analysis or reporting.

6.10 FINDING OF NO SIGNIFICANT IMPACT

6.10.1 Definition

The CEQ regulations define a FONSI as follows:

"Finding of No Significant Impact" means a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded... will not have a significant effect on the human environment and for which an Environmental Impact Statement therefore will not be prepared. It shall include the Environmental Assessment or a summary of it and shall note any other environmental documents related to it ...If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference.

40 CFR 1508.13

A variation called a "mitigated FONSI" is often used when impacts resulting from the proposed action or selected alternative are mitigated below a threshold of significance, such that a FONSI can be sustained.

Many Federal courts will not allow the use of a "mitigated" FONSI, reasoning that if there are significant impacts, NEPA clearly requires preparation of an Environmental Impact Statement. Some Federal courts have upheld the use of a "mitigated" FONSI under certain specific circumstances. The four criteria outlined in case law that must be met for a mitigated FONSI to be valid are as follows:

1. GSA must have accurately identified the relevant environmental concern.
2. Once GSA has identified the problem it must have taken a "hard look" at the problem in preparing the EA.

3. If a FONSI is made, GSA must be able to make a convincing case for its finding.
4. If GSA does find an impact of true significance, preparation of an EIS can be avoided only if GSA finds that changes or safeguards in the project sufficiently reduce the impact to a minimum.
(Based on *Sierra Club v. USDOT* 1985.)

A mitigated FONSI may be especially appropriate where the only anticipated impacts will be on historic properties, and mitigation is agreed to under the regulations for Section 106 of the NHPA (36 CFR 800). The mitigation measures agreed to must be specified in the FONSI, and must be sufficient to reduce the impacts of the project below a significant level.

6.10.2 Contents

The CEQ regulations prescribe certain content requirements for FONSI, as follows:

- The FONSI must "indicate any public Environmental Assessments and other Environmental Impact Statements which are being or will be prepared that are related to but are not part of the scope of the ... statement under consideration" (40 CFR 1507.1(5))
- The FONSI must include description (or reference to discussion in the body or appendix of the EA) of any mitigation or agreements with agencies with jurisdiction by law or expertise.

Examples of mitigation measures for GSA actions might include:

- control measures for fugitive dust to ensure that air pollution from a GSA construction project does not violate applicable standards;

- a signed Memorandum of Agreement under Section 106 of the NHPA;
- an authorization for an "incidental take" of threatened or endangered wildlife or their habitat, under the Endangered Species Act.

A sample PBS FONSI is illustrated in **Exhibit 6-2**.

6.10.3 Public Review

All NEPA documents are available to the public under the Freedom of Information Act, subject to restrictions on pre-decisional, proprietary, and otherwise confidential information.

For some PBS actions, Regional NCEs should consider making draft EAs and FONSI s available to the public through local libraries or upon request 15 days prior to issuing the final published versions. Obviously, if a person or group was highly involved during scoping, or if they specifically so request, they should be provided a copy of the EA and FONSI (see Section 6.5.2 above).

Under certain circumstances, CEQ requires that a FONSI must be made available for public (including outside agency) review 30 days before you make your final determination whether to prepare an EIS or go forward with your action. The circumstances are:

- (1) The proposed action is, or is closely similar to, one which normally requires the preparation of an Environmental Impact Statement [...], or
- (2) The nature of the proposed action is one without precedent.

40 CFR 1501.4(e)(2)

6.11 ENVIRONMENTAL ASSESSMENTS AND COMPLIANCE WITH OTHER LAWS

Prepare your EA so that GSA complies with other environmental laws, executive orders, and regulations, such as the Endangered Species Act, the NHPA, and Executive Orders 12072 and 13006. Preparing an EA (or an EIS, for that matter) does not substitute for following the regulations governing compliance with such other authorities. For example, sending an EA to the State Historic Preservation Officer (SHPO) and requesting review comments does not place GSA in compliance with Section 106 of NHPA.

You can use an EA to document compliance with other legal authorities, or as a documentary basis for such compliance. For example, use an EA to document consultation with the SHPO if this has occurred in accordance with Section 106 regulations, or provide an EA to the SHPO to support a GSA determination under the same regulations. If you use an EA in this manner, it is imperative that the requirements of the other law, executive order, or regulation be reflected by the EA.

6.12 SUPPLEMENTAL EAs

If conditions change after you complete an EA (e.g., project plans change), supplement the EA as needed to accommodate the changed circumstances and address any previously unconsidered impacts. If major changes occur, however, you may be required to prepare an EIS.

Exhibit 6-1: EA Format

Cover Sheet

Title of Document / Volume #/ Total # of Volumes

(Environmental Assessment)

Responsible Agency Name(s)

(Always GSA, sometimes other cooperators)

Title of Action

Location

Contact Name

Address

Telephone/Fax/E-mail (as appropriate)

One-Paragraph Abstract of the Document

Date of Distribution

Exhibit 6-1: EA Format (continued)

Contents

I. Purpose of and Need for Action

- A. Objectives of the proposed action
- B. Problems to be solved by the action
- C. Environmental issues raised by the action, if any, as determined through scoping

II. Description of the Proposed Action and Alternatives

- A. Size, location, nature of proposed action, tied to purpose and need above
- B. Size, location, and nature of any alternative actions that would also meet the purpose and need
- C. Description of the No Action alternative

III. Environmental Effects of Proposed Action and Alternatives

- A. Description of the potential environmental impacts for each alternative, including all action alternatives and No Action, including all issues identified during scoping and any other issues that have become apparent in the course of analysis
- B. Description of any mitigation measures, including changes in project design, timing, or location which will avoid or mitigate potentially significant environmental impacts

IV. Significance of Effects

- A. Context(s) in which effects may occur.
- B. Intensity of effects

V. List of Preparers, Reviewers, Agencies, and Persons Consulted

- A. A list (may be in table format) of names, titles, educational and experience background, and analyses or document sections for which each person is responsible, keyed to issues identified in Chapter I
- B. A list of agency reviewer's of applicant's information, if any, in the same format as above
- C. A list of agencies with jurisdiction by law or expertise, Tribes, groups or individuals consulted during preparation of the EA

Exhibit 6-1: EA Format (continued)

- V. Appendix, including references, maps, reports, etc.
 - A. A list of references cited in the EA (resource analysis reports, methodology reports, other environmental documents including other NEPA documents to which the EA may be tiered, scientific papers, etc.)
 - B. Maps clearly showing the project location, with respect to significant features of the environment identified in Chapter I and analyzed for the EA (keyed to discussions in Chapter III)
 - C. Copies of reports prepared for the EA, which substantiate any fundamental analyses, and which are analytic and relevant to the decision to be made (40 CFR 1502.18)

Exhibit 6-2: Sample FONSI

Finding of No Significant Impact

(Name of Project)
(Location of Project)
(Date)

In accordance with the National Environmental Policy Act and GSA Order ADM 1095.1F, implementing the regulations of the Council on Environmental Quality (40 CFR 1500-1508), I find that the project described in the attached Environmental Assessment (insert here the title of the project EA, and its date) is not a major Federal action significantly affecting the quality of the human environment. Therefore, no Environmental Impact Statement will be prepared.

[Use the following language only if needed]

This action is related to (insert names of other projects) described in the NEPA document entitled (insert name of EA or EIS).

The following environmental agreements have been reached with agencies having jurisdiction by law or expertise on environmental issues:

(list any agreements reached during environmental analysis for this EA)

The following mitigation and monitoring measures will be implemented to ensure that the action will have no significant impact on the quality of the human environment:

(list mitigation and monitoring measures agreed upon with others, or established independently by GSA)

RECOMMENDED: _____
(Signature) (Date)

Name of Responsible Official
Title

APPROVED: _____
(Signature of Regional Administrator)

CHAPTER 7 - ENVIRONMENTAL IMPACT STATEMENTS

7.1 PURPOSE

An Environmental Impact Statement (EIS) analyzes the environmental impacts of a proposed action and its alternatives, and displays them in a report for consideration by the decisionmaker in deciding which alternative (if any) to implement. The EIS also reveals the impacts to the public before the decision is made and provides an opportunity for the public to understand the impacts and influence the decision. An EIS is usually a more complex and lengthy document than an EA, is subject to more hard-and-fast standards of preparation and review, and is prepared only on what appear to be major Federal actions significantly affecting the quality of the human environment.

The CEQ regulations describe the purpose of an EIS this way:

The primary purpose of an Environmental Impact Statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal government. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions.

40 CFR 1502.1

7.2 DEFINITIONS

7.2.1 Environmental Impact Statements

The EIS is the "detailed statement" specified in Section 102(2)(c) of NEPA that must be included with "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment."

7.2.2 Proposal

The CEQ regulations define a "proposal" as follows:

"Proposal" exists at that stage in the development of an action when an agency has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated.

40 CFR 1508.23

The CEQ regulations further require that

Agencies shall make sure the proposal which is the subject of an Environmental Impact Statement is properly defined.... Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.

40 CFR 1502.4

Ways to define a "proposal" for a given broad-scale action may include:

- (1) Geographically, including some actions occurring in the same general location, such as body of water, region, or metropolitan area.
- (2) Generically, including actions which have relevant similarities, such as common timing, impacts, alternative methods of implementation, media, or subject matter.
- (3) By stage of technological development, including Federal or Federally assisted research, development, or demonstration programs for new technologies, which, if applied, could significantly affect the quality of the human environment.

40 CFR 1502.4

A GSA "proposal" may include administrative actions (e.g., to purchase, lease, construct, or demolish a building), or legislative actions (e.g., actions taken pursuant to prospectuses filed under Section 7 of the Public Buildings Act).

Use the criteria for "scope" (see Chapter 4) to determine how to define your specific proposal for analysis in an EIS.

7.3 TYPES OF EISs

You may prepare an EIS on site-specific proposals for which substantial environmental detail is available. This is the usual type of site-specific or project-specific EIS.

Alternatively, you may prepared an EIS on a broad Federal action, such as a program or plan for which only very general environmental information is known. This is called a Programmatic EIS, or PEIS. In some cases, a site-specific EIS may be "tiered" to a PEIS. See discussion in Section 7.12.1.1, below.

Both site-specific and PEISs go through a published Draft EIS (DEIS) that is distributed for public and agency review. This is followed by a Final EIS (FEIS), which contains responses to those public and agency comments on the Draft.

If new circumstances warrant, you may need to prepare a Supplemental EIS (SEIS). A SEIS be added to either a draft or a final EIS and should focus on only those changes that warrant it. Incorporate the earlier discussions and analyses by reference (40 CFR 1502.9). See Chapter 8 of this Desk Guide for further discussion of SEISs.

7.4 ACTIONS THAT NORMALLY REQUIRE AN EIS

The following actions are considered to be major Federal actions significantly affecting the quality of the human environment, and therefore must be the subjects of EISs, as must any other action that an EA indicates may have significant environmental effects:

- Master plans for Federally owned major buildings, building complexes, and sites (Note: EIS should be designed so that subsequent EISs and EAs can be tiered off it).
- Acquisition of space by Federal construction or lease construction, or expansion or improvement of an existing facility, where one or more of the following applies:
 - The structure and/or proposed use are not substantially consistent with local planning and zoning or any applicable State or Federal requirements (see NEPA-Related Legal Requirements and Their Implications, **Appendix 3**);
 - The proposed use will substantially increase the number of motor vehicles at the facility;
 - The site and scale of construction are not consistent with those of existing adjacent or nearby buildings; or
 - There is evidence of current or potential community controversy about environmental justice or other environmental issues.
- Space acquisition programs projected for a substantial geographical area (e.g., a metropolitan area) for a 3-to-5-year period or greater (Note: a PEIS is

often appropriate here, off which subsequent EISs and EAs can be tiered).

7.5 CHARACTERISTICS OF A GOOD EIS

To prepare a good EIS, you should

- Be analytic, not encyclopedic (40 CFR 1502.2);
- Use an interdisciplinary approach and integrate the natural and social sciences, and the environmental design arts (40 CFR 1502.6);
- Write in plain language, and use graphics to make it readily understandable by decisionmakers and the public (40 CFR 1502.8);
- Be concise—usually less than 150 pages in length, an EIS should be no longer than absolutely necessary to comply with NEPA and the CEQ regulations (40 CFR 1502.2), unless the proposal is of unusual scope or complexity (40 CFR 1502.7). The EIS length varies first with the nature of potential environmental problems, and then with project size (40 CFR 1502.2);
- Encompass the range of alternatives to be considered by the decisionmaker, including the no-action alternative (40 CFR 1502.2);
- Describe how the alternatives and conclusions reached in the EIS will or will not achieve the requirements of sections 101 and 102(1) of NEPA and other environmental laws and policies (40 CFR 1502.2);
- Focus on significant environmental issues and alternatives; avoid including extraneous background data (40 CFR 1502.1);

- Be clear, and to the point; support your alternatives and conclusions by evidence that you have made the necessary environmental analyses (40 CFR 1502.1); and
- Ensure that the EIS serves as a means to correctly assess environmental impacts of a proposed action, not as justification for decisions already made (40 CFR 1502.2).

7.6 TIMING

Before you prepare an EIS, you must define your proposal. See Section 7.2.2.

Begin to prepare the EIS as soon as you determine that your proposed action is neither a CATEX nor the appropriate subject for a FONSI. You may supplement the resulting EIS at a later stage, if necessary, based on new information or changes in the proposed action (see 40 CFR 1502.5).

EISs must be circulated and reviewed at the same time as other planning documents to which the EIS pertains, and accompanied by any proposed decision document pertaining to the subject of the EIS.

See Chapter 2 of this Desk Guide for a discussion of the various timing issues that may arise during preparation of an EIS for a GSA action, and a description of required time periods.

Although the CEQ regulations, at 40 CFR 1506.8(b)(1) and (2)(iii), permit GSA to eliminate scoping on EISs for legislation, including the request for "legislative approval...for Federal or Federally assisted construction or other projects which the agency recommends be located at specific geographic locations," it is impossible to prepare an EIS (or EA) without determining its scope. Thus, scoping must be per-

formed on GSA proposals for legislative approval of construction projects.

The CEQ regulations require that:

For proposals requiring an environmental impact statement for the acquisition of space by the General Services Administration, a draft statement shall accompany the Prospectus or the 11(b) Report of building Project Surveys to the Congress, and a final statement shall be completed before site acquisition.

40 CFR 1506.8(b)(2)(iii)

EISs on legislative proposals other than space acquisition projects will be prepared by the National Office Business Line responsible for the proposal, in consultation with the NEPA Liaison and pertinent Regional Offices, and will be submitted to Congress either with the proposal itself or up to 30 days prior to submission of the proposal.

7.7 RESPONSIBILITIES

The program staff (project manager, realty specialist, asset manager, facility specialist, building manager, property manager, project developer) is responsible for ensuring that an EIS is prepared in a manner consistent with the CEQ regulations. An important first step is for the project manager to contact and coordinate with the Regional NCE at the earliest planning phases for an action that may require an EIS. See Chapter 2 of this Desk Guide.

GSA may act as either a lead or a cooperating agency during preparation of an EIS. See Chapter 2 for further discussion of these roles.

7.8 NOTICE OF INTENT (NOI)

The NOI kicks off the public scoping process for an EIS. Prepare the NOI for publication in the Federal Register. Use the

specific format required by the Federal Register for submissions. To determine NOI content, use the following required list of contents:

- (a) Describe the proposed action and possible alternatives.
- (b) Describe the proposed [PBS] scoping process including whether, when, and where any scoping meeting(s) will be held.
- (c) State the name and address of a person within [GSA] who can answer questions about the proposed action and the Environmental Impact Statement.

40 CFR 1508.22

Include a description of any significant environmental issues that you have already identified through internal scoping, and, if you have developed one, a specific schedule for EIS preparation.

Exhibit 7-1 illustrates a sample NOI.

7.9 SCOPING

Formal scoping as defined by 40 CFR 1501.7 is required for EISs (see Chapter 4 of this Desk Guide). Scoping should be accompanied by "diligent efforts to involve the public" as required by 40 CFR 1506.6, and should identify the significant issues to be analyzed in the Environmental Impact Statement and eliminate issues that are not significant (40 CFR 1500.4).

Scoping for an EIS always includes both internal and external elements. Internal elements include staff review of background material, internal analysis in consultation with the NCE, and various contracted studies. External elements include consultation with agencies that have jurisdiction by law or expertise, public meetings,

and consultation with known concerned agencies, organizations, and individuals.

7.10 PUBLIC INVOLVEMENT

The public must be involved in scoping *and* in formal review of any DEIS. However, you should view public involvement as an on-going activity throughout the process of environmental analysis, and during EIS preparation and revision. Specific efforts must be made to involve potentially affected low-income and minority communities (see Chapter 4 of this Desk Guide).

7.11 REQUIREMENTS FOR ENVIRONMENTAL ANALYSIS

The purpose of environmental analysis in an EIS is to determine the nature and severity of any potential environmental impacts from your proposed action or reasonable alternative *before* deciding whether and how to go ahead with the proposed action or alternative. This is different from the purpose of the analysis that goes into preparing an EA, which is focused specifically on determining whether the proposed action or alternatives may significantly affect the quality of the human environment.

Environmental analysis should be commensurate with the significance of the environmental issues identified during scoping (see Chapter 4). Give those issues that are not significant only enough analysis to confirm that they are not significant (see 40 CFR 1502.2). However, you may recognize through analysis that such issues ARE significant, and other issues may be recognized as analysis proceeds. The mere fact that an issue has been identified as insignificant during scoping, or not addressed during scoping, does not exclude that issue from analysis if its significance or potential significance is identified during analysis.

7.11.1 Professional Integrity

GSA must "insure the professional integrity, including scientific integrity, of the discussions and analyses in Environmental Impact Statements" (40 CFR 1502.24). This means that you must:

- Use appropriately qualified experts;
- Carry out the analysis in accordance with (1) the generally accepted principles and methods of the disciplines relevant to the analysis, or (2) explicitly justified alternative approaches;
- Provide adequate time for the analysis; and
- Not call on analysts to compromise or alter their data or conclusions to accommodate the adoption of a preferred alternative.

7.11.2 Adequate Detail

Environmental impacts and values must be "identified in adequate detail so they can be compared to economic and technical analyses" (40 CFR 1501.2(b)). This does not mean that all such impacts and values must be quantified; many environmental factors by their nature cannot be quantified. It does mean that environmental impacts and values must be:

- Given sufficient authoritative analysis;
- Sufficiently well translated into language that decisionmakers and the public can understand; and
- Able to be realistically factored into decisionmaking on a "level playing field" with economic and technical analyses.

7.11.3 Data Gathering

Based on scoping, the responsible official, in consultation with the Regional NCE, determines what data need to be gathered and analyzed for the EIS, and arranges for the necessary studies. See Chapters 9 and 10 of this Desk Guide for descriptions of some of the kinds of special studies that may be needed, and various methods of contracting for services to perform them.

7.11.4 Dealing With Incomplete or Unavailable Information

There will be times when needed information is not available, or is incomplete. The CEQ regulations at 40 CFR 1502.22 prescribe a four-step process for dealing with that situation (note that if the incomplete information is available and the overall costs of obtaining it are not exorbitant, it should be collected and included in the EIS):

When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking.

- (a) If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.
- (b) If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known, the agency shall include within the environmental impact statement:

- (1) A statement that such information is incomplete or unavailable;
- (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse effects on the human environment;
- (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment; and
- (4) the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community.

For the purposes of this section, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason.

40 CFR 1502.22

7.12 STRUCTURE OF AN EIS

7.12.1 Size

CEQ recommends that an EIS be concise and to the point, and that you set page limits, "tier" to higher level documents, and incorporate reports, analyses and data as a way of reducing redundancy, paperwork, and bulk. The CEQ regulations state that:

The text of final Environmental Impact Statements... shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages.

40 CFR 1502.7

One way to minimize the size of an EIS is to use the CEQ tools called "tiering" and "incorporation by reference."

7.12.1.1 Tiering

The CEQ regulations explain the concept of "tiering" this way:

Whenever a broad Environmental Impact Statement has been prepared (such as a program or policy statement) and a subsequent statement or Environmental Assessment is then prepared on an action included within the entire program or policy (such as a site specific action) the subsequent statement or Environmental Assessment need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action.

40 CFR 1502.20

If your EIS is a follow-on action to a previous EIS, you should not repeat material already covered in the previous EIS, but should simply state that your EIS is being "tiered" to the previous EIS.

7.12.1.2 Incorporation by Reference

CEQ requires agencies to use "incorporation by reference" to reduce bulk in EISs (40 CFR 1502.21). This means you can cite references to data sources or standard methodologies without repeating verbatim, or paraphrasing, all the detail in the source you referenced.

Thus, for example, you can state in an EIS that a wetland has been delineated in accordance with standard practice described in the U.S. Army Corps of Engineers' Wetland Delineation Manual, include the manual in the list of references cited, and state the results of the study. You would not include lengthy descriptions of field methods,

mapping techniques, and types of equipment used.

7.12.2 Contents

The substantive contents of an EIS are specified by the CEQ regulations at 40 CFR 1502.10, based on the requirements of NEPA at 102(2)(C). Thus, the EIS must include discussion of the following topics, in the order listed, unless you can show a "compelling reason to do otherwise":

1. Purpose of and Need for Action;
2. Alternatives, Including the Proposed Action;
3. Affected Environment;
4. Environmental Consequences;
5. List of Preparers; and
6. List of Agencies, Organizations, and persons to whom copies of the EIS are sent.

Note that this organization is not altogether logical. For example, material discussed in detail in the "Environmental Consequences" chapter is summarized in the "Alternatives" chapter, and the critical matter of scoping must be squeezed into the "Purpose and Need" chapter. Nevertheless, this is the organization that the CEQ regulations specify, and you must follow it in order to provide for government-wide consistency among EISs.

The following sections describe specific recommendations for what to include in (and what to leave out of) each chapter of an EIS, based on the CEQ requirements as noted. Requirements and suggestions for items such as the cover sheet, summary, etc., are contained in Section 7.12.3, below.

7.12.2.1 Purpose of and Need for Action

The CEQ regulations state only that:

The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.

40 CFR 1502.13

Experience has shown, however, that the Purpose and Need chapter of an EIS is crucial to the success of your project and its EIS. This chapter should contain enough description of the specific purpose of and need for the action, including enough relevant background on the operational, social, economic, and environmental objectives of the proposal, to place it in an understandable context. Develop alternatives based on how well they meet the objectives outlined in this chapter of the EIS. The final decision as described in the Record of Decision should also be tied closely to the purpose and needs in this chapter.

This is also the place to identify any significant environmental issues as determined through scoping; to describe the scoping and public involvement processes conducted for the EIS; to identify any Federal or other environmental permits required for the project; and to outline the rest of the EIS chapters for the reader.

7.12.2.2 Alternatives, Including the Proposed Action

This chapter is vital to understanding your project, its alternatives, and their environmental impacts.

7.12.2.2.1 Contents of Alternatives Chapter

The CEQ regulations state that:

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (§1502.15) and the Environmental Consequences (§1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

- (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
- (c) Include reasonable alternatives not within the jurisdiction of the lead agency.
- (d) Include the alternative of no action.
- (e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- (f) Include appropriate mitigation measures not already included in the proposed action or alternative.

40 CFR 1502.14

The Alternatives chapter should include "substantial" discussion of each alternative, including your proposed action. As CEQ points out in its 1981 guidance (Forty Most Asked Questions Concerning CEQs NEPA Regulations—hereinafter cited as CEQ 40 Questions—# 5b):

"This regulation does not dictate an amount of information to be provided, but rather, prescribes a level of treatment, which may in turn require varying amounts of information, to enable a reviewer to evaluate and compare alternatives."

7.12.2.2.2 No Action Alternative

The "No Action" alternative has two distinct interpretations: "no change" from current action, and "no project"—the proposed action would not take place. When a choice of "No Action" by GSA would result in predictable actions by others, this consequence should be included in the analysis (CEQ 40 Questions # 3). Even if GSA is under a court order or Congressional mandate to act, the No Action alternative must be analyzed as a baseline, and to show the consequences of failing to act as directed.

7.12.2.2.3 Range of Alternatives

The EIS must discuss a "reasonable range of alternatives," the exact nature of which depends on the nature of the proposal and the facts in each case (CEQ 40 Questions #1). Alternatives outside the jurisdiction of GSA must also be discussed, if they are reasonable ways to accomplish the objectives laid out in the Purpose and Need chapter (CEQ 40 Questions #2).

7.12.2.2.4 Comparison of Impacts

It is often helpful to use a table format to document the "comparison of impacts" that must be in this chapter of the EIS. Be careful to compare impacts, not just project outputs, and be careful not to confuse the

two. Impacts include changes in the environmental characteristics of the site or vicinity. Project outputs include square feet of occupiable space, number of parking spaces, etc. Although it is often useful to include these data in the comparison table for clarity, and to help distinguish one alternative from another, the focus should be on impacts, and impacts should be clearly distinguished from outputs.

7.12.2.3 Affected Environment

This chapter of an EIS sets the scene for the detailed discussion of impacts in the next chapter, "Environmental Consequences." It is not an encyclopedia or a catalogue of environmental features of the project area. The CEQ regulations are very clear on this point:

The Environmental Impact Statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under discussion. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an Environmental Impact Statement.

40 CFR 1502.15

The Affected Environment chapter should focus on those issues that were identified in as potentially significant during scoping or during conduct of the environmental analysis. For example:

- This is not a place to list all the vegetation or wildlife that exists in the area—focus instead on those that may actually be affected by your action. Particular emphasis should be given to

emphasis should be given to those that are threatened or endangered species, potential threatened or endangered species, or that may contribute to the critical habitat of such species, and to those on which your action could have broad impacts within the local ecosystem.

- This is not a place for a detailed discussion of the last 10,000 years of human history in the area—focus instead on the information needed to understand the historic properties, traditional land uses, archeological sites, Native American uses, and other aspects of the affected cultural environment.
- This is not a place to describe the theory of continental drift—focus instead on potential seismic hazards at the site or vicinity.

In other words, focus on the topics that are actually important to understanding the effects of the action, and that will therefore be treated in detail in the following chapter of the EIS, Environmental Consequences.

7.12.2.4 Environmental Consequences

This chapter is what most people think of as the main point of an EIS. It describes the environmental impacts of the proposed action and alternatives, on which the summary in the Alternatives chapter is based.

The CEQ regulations prescribe specific contents for this chapter:

This section forms the scientific and analytic basis for the comparisons under (§1502.14 [the alternatives section]). It shall consolidate the discussion of those elements required by sections 102(2)(C)(i), (ii), (iv), and (v) of NEPA which are within the scope of the statement and as much of section 102(2)(C)(iii) as is necessary to support the comparisons. The discussion

will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in (§1502.14 [the alternatives section]). It shall include discussions of:

- (a) Direct effects and their significance....
- (b) Indirect effects and their significance....
- (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned....
- (d) The environmental effects of alternatives including the proposed action. The comparisons under (§1502.14 [the alternatives section]) will be based on this discussion.
- (e) Energy requirements and conservation potential of various alternatives and mitigation measures.
- (f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.
- (g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.
- (h) Means to mitigate adverse environmental impacts (if not fully covered un-

der (§1502.14(f)) [the alternatives section].

40 CFR 1502.16

The discussion should include direct, indirect, and cumulative effects. These are defined in the CEQ regulations as follows (see also Chapter 3 of this Desk Guide):

"Effects" include:

- (a) Direct effects, which are caused by the action and occur at the same time and place.
- (b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Effects and impacts as used in these regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

40 CFR 1508.8

"Cumulative impact" is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative

impacts can result from individually minor but collectively significant actions taking place over a period of time.

40 CFR 1508.7

If sufficient information is not available to conduct a comprehensive analysis of impacts from each alternative, follow the 4-step process described in Section 7.11.4, above.

The Environmental Consequences chapter is an especially good place to use graphics such as tables, charts, maps, and "artist's renderings," for clarity and to cut down on bulky narratives. A picture is often worth a thousand words. Make sure, though, that the picture is clear, and provide text as needed to explain its content and relevance.

Detailed reports need not be quoted extensively in this chapter; incorporate them by reference, and briefly describe the pertinent points they make. If they meet the criteria for being included in the Appendix (see below), include them there. The purpose of the Environmental Consequences chapter is to summarize the major data on significant impacts; again, the focus is on significant impacts that will influence the final decision on your action, rather than a laundry list of every conceivable environmental resource or media.

7.12.2.5 List of Preparers

This documentation shows that you used an "interdisciplinary approach, with the disciplines of the preparers appropriate to the scope and issues identified in the scoping process" as required by 40 CFR 1502.6.

Often a table format can display this documentation to best advantage, with the names of preparers down one side, and headings across the top representing educational/work experience and sections of the document prepared. Names and titles

of in-house reviewers of information submitted by applicants and contractors should also be listed here, as should the names of staff members of cooperating agencies who provided data or analyses used in the EIS.

7.12.2.6 List of Agencies, Organizations, and Persons To Whom Copies of the Statement Are Sent

Exhibit 7-2 contains a list of types of agencies, organizations, and persons to whom draft and final statements should be sent. The actual distribution for your action should be included in the EIS itself, as a separate section.

Just as with an EA, if you send an EIS to an agency or organization to comply with another law, such as Section 404 of the Clean Water Act, the Endangered Species Act or Section 106 of the NHPA, you should do so in accordance with the applicable regulations. Simply sending an EIS to an agency and requesting its comments will NOT necessarily comply with the regulations governing the law giving that agency jurisdiction.

7.12.2.7 Appendix

An EIS may have an Appendix or Appendices, which should contain specific kinds of information, according to the CEQ regulations:

If an agency prepares an appendix to an Environmental Impact Statement the appendix shall:

- (a) Consist of material prepared in connection with an Environmental Impact Statement (as distinct from material which is not so prepared and which is incorporated by reference) [SIC}

- (b) Normally consist of material which substantiates any analysis fundamental to the impact statement.
- (c) Normally be analytic and relevant to the decision to be made.
- (d) Be circulated with the Environmental Impact Statement or be readily available on request.

40 CFR 1502.18

Thus, an appendix is not a dumping ground for background reports, methodological descriptions, or lists of environmental features of a study area. It consists of specific material that supports or allows independent evaluation of conclusions drawn in the EIS.

7.12.3 Format

The format of an EIS is specified by the CEQ regulations:

Agencies shall use a format for Environmental Impact Statements which will encourage good analysis and clear presentation of the alternatives including the proposed action. The following standard format for Environmental Impact Statements should be followed unless the agency determines that there is a compelling reason to do otherwise:

- (a) Cover Sheet
- (b) Summary
- (c) Table of Contents
- (d) Purpose of and Need for Action
- (e) Alternatives including the Proposed Action
- (f) Affected Environment
- (g) Environmental Consequences
- (h) List of Preparers
- (i) List of Agencies, Organizations, and Persons to whom copies of the statement are sent
- (j) Index
- (k) Appendices (if any)

40 CFR 1502.10

The contents of the substantive chapters of an Environmental Impact Statement have been described above. This section will focus on the formats for cover sheets, summaries, and indexes.

7.12.3.1 Cover Sheet

The CEQ regulations prescribe the requirements for a cover sheet:

The cover sheet shall not exceed one page. It shall include:

- (a) A list of the responsible agencies including the lead agency and any cooperating agencies.
- (b) The title of the proposed action that is the subject of the statement (and if appropriate the titles of related cooperating agency actions), together with the State(s) and county(ies) (or other jurisdiction if applicable) where the action is located.
- (c) The name, address, and telephone number of the person at the agency who can supply further information.
- (d) A designation of the statement as a draft, final, or draft or final supplement.
- (e) A one paragraph abstract of the statement.
- (f) The date by which comments must be received (computed in cooperation with EPA under 1506.10).

40 CFR 1502.11

Exhibit 7-3 provides an example format for the EIS Cover Sheet.

7.12.3.2 Summary

The CEQ regulations prescribe the contents of an EIS summary:

Each environmental impact statement shall contain a summary which adequately and accurately summarizes the statement. The summary shall stress the major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice among alternatives). The summary will normally not exceed 15 pages.

40 CFR 1502.12

7.12.3.3 Index

No specific requirements for the EIS index exist in the CEQ regulations. Use any up-to-date word processing software indexing tool to create an index of key concepts and analyses for the EIS. The U.S. Government Printing Office Style Manual contains useful suggestions on how to select and prepare document indexes.

7.13 WHO PREPARES EISs FOR GSA PROJECTS

GSA normally prepares its own EIS either in-house or through contracting with outside consultants (see Chapter 10, Contracting).

The CEQ regulations allow for applicants or proponents to prepare an EIS for a proposed action, but requires that GSA take an active guidance and evaluative role during EIS preparation, and take final responsibility for the resulting document:

- (a) the agency should assist the applicant by outlining the types of information required. The agency shall independently evaluate the information submitted and shall be responsible for its accuracy.

- (b) any Environmental Impact Statement prepared pursuant to the requirements of NEPA shall be prepared directly by or by a contractor selected by the lead agency or ... the cooperating agency.

40 CFR 1506.5

See Chapter 10 of this Desk Guide for further discussion of contracting requirements for preparing EISs.

7.14 DISTRIBUTION OF, REVIEW AND COMMENT ON, AND FINALIZING OF EISs

7.14.1 Distribution of All Notices and Documents

NOIs and subsequent NEPA documents should be distributed widely to the public, including both groups and individuals known to be interested, potentially affected Indian tribes and local governments, and agencies with jurisdiction by law or expertise.

The CEQ regulations require agencies to distribute copies to specified entities; these are identified as such in Exhibit 7-2. Exhibit 7-2 also lists other entities that should receive copies. This list is not inclusive; use scoping (see Chapter 4 of this Desk Guide) to determine specifically which names should be on the list for your project.

7.14.2 Distribution and Review of Draft EISs

7.14.2.1 Distribution

Once a DEIS has been completed, the CEQ regulations require that:

- (a) After preparing a draft environmental impact statement and before preparing a final environmental impact statement the agency shall:

- (1) Obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.

- (2) Request the comments of:

- (i) Appropriate State and local agencies which are authorized to develop and enforce environmental standards;
- (ii) Indian tribes, when the effects may be on a reservation¹;
- (iii) Any agency which has requested that it receive statements on actions of the kind proposed.

- (3) Request comments from the applicant, if any.

- (4) Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected.

40 CFR 1503.1

7.14.2.2 DEIS Notice of Availability (NOA)

The Notice of Availability (NOA) for a DEIS kicks off a minimum 45-day public review and comment period (See **Appendix 2**). GSA writes the NOA for EPA, who publishes it in the Federal Register (see 40 CFR 1506.9). This notifies the public and

¹ Other authorities such as the National Historic Preservation Act, the American Indian Religious Freedom Act, the Native American Graves Protection Act, and Executive Orders 12898 and 13007, as well as many treaties and the trust relationship between the U.S. Government and tribal governments, strongly encourage consultation with tribes when effects occur off-reservation but may involve resources or lands of importance to such tribes.

outside agencies that an EIS is available for review and comment.

Exhibit 7-4 illustrates a sample NOA.

7.14.3 Response to Comments on Draft EISs

When comments are received on a DEIS:

(a) An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

- (1) Modify alternatives including the proposed action.
- (2) Develop and evaluate alternatives not previously given serious consideration by the agency.
- (3) Supplement, improve, or modify its analyses.
- (4) Make factual corrections.
- (5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

(b) All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous), should be attached to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement.

(c) If changes in response to comments are minor and are confined to the re-

sponses described in paragraphs (a)(4) and (5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases only the comments, the responses, and the changes and not the final statement need be circulated (Section 1502.19). The entire document with a new cover sheet shall be filed as the final statement (Sec. 1506.9).

40 CFR 1503.4

7.14.4 Distribution of Final EISs

7.14.4.1 Distribution

Final EISs (FEISs) are filed with the Environmental Protection Agency and provided to all cooperating agencies. They are made available to, but are not necessarily automatically provided to, all who commented on the DEIS. A copy must also be provided to CEQ. The CEQ regulations say:

Environmental impact statements together with comments and responses shall be filed with the Environmental Protection Agency, attention Office of Federal Activities (A-104), 401 M Street SW., Washington, DC 20460. Statements shall be filed with EPA no earlier than they are also transmitted to commenting agencies and made available to the public. EPA shall deliver one copy of each statement to the Council, which shall satisfy the requirement of availability to the President. EPA may issue guidelines to agencies to implement its responsibilities under this section and 1506.10.

40 CFR 1506.9

7.14.4.2 FEIS Notice of Availability

Just as an NOA is provided for a DEIS, a similar notice is published for an FEIS, kicking off a final 30-day period of "cooling off" before final decisionmaking, or for referral by another agency to CEQ. See Section 7.16 below for a discussion of "referrals" to CEQ.

7.15 RECORD OF DECISION (ROD)

7.15.1 Definition

The Record of Decision (ROD) is the final step in the EIS process for your action, before you may carry it out. Until a Record of Decision has been issued, no action concerning the proposal can be taken which would (1) have an adverse environmental impact, or (2) limit the choice of reasonable alternatives (40 CFR 1506.1). The ROD is not issued until the FEIS has been issued, at least 30 days have been provided for final public review and objection, and the decision has been made about whether and how to proceed with the action.

7.15.2 Contents

The ROD must do the following:

- (a) State what the decision was.
- (b) Identify all alternatives considered by [PBS] in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable. [PBS] may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions. [PBS] Shall identify and discuss all such factors including any essential considerations of national policy which were balanced by [PBS] in making its decision and state how those considerations entered into its decision.

- (c) State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation.

40 CFR 1505.2

This is where you or the Responsible GSA Official should discuss matters of policy, weigh benefits and impacts of the selected action, and express judgments and criteria for the decision.

Summarize the contents of the EIS, specifically the Purpose and Need, Alternatives, and Environmental Consequences chapters, so the reader can put your decision into context.

Note that the ROD is not the actual decision document, but it documents what the decision was. Site selection documents and contracts are examples of actual GSA decision documents.

See Exhibit 7-5 for an example format of a Record of Decision.

7.15.3 Public Review

The ROD is made available to the public, and should be distributed to the public in the same way as the DEIS and FEIS. No public comment period is required for RODs, because when the ROD is issued, the decision has been made.

7.16 REFERRAL TO CEQ

This procedure may be used by another Federal agency to resolve disagreements about the nature of the environmental impacts expected to be caused by an action, before publication of a ROD. The process consists of filing timely environmental objections, and asking the CEQ to help re-

solve disagreements through negotiation. It is fully described in 40 CFR 1504.

The CEQ regulations that provide criteria for agencies in determining whether to refer another agency's EIS to the CEQ follows:

In determining what environmental objections ... are appropriate to refer to the Council, [the referring] agency should weigh potential adverse environmental impacts, considering:

- (a) Possible violation of national environmental standards or policies.
- (b) Severity [of the potential impact].
- (c) Geographical scope [of the potential impact].
- (d) Duration [of the potential impact].
- (e) Importance [of the project] as precedents.
- (f) Availability of environmentally preferable alternatives [to meet the Purpose and Need].

40 CFR 1504.2

While pre-decision referrals are rarely used, they constitute a mechanism for outside agencies to influence the nature of GSA decisions. You should consider the referral criteria when you prepare an EIS to ensure that they are covered in the analyses and discussions.

Exhibit 7-1: Format of Notice of Intent to Prepare an EIS

Notice of Intent to Prepare an EIS

The General Services Administration intends to prepare an Environmental Impact Statement on the following project:

Name of Project
Location of Project

The proposed action will:

(enter brief description of the purpose and need for the project, and a description of the proposed action to meet that purpose and need for example:

This project will alleviate current overcrowding and traffic congestion by providing an additional occupiable area of about 203,000 square feet

- 133,300 square feet for 855 Federal employees
- 70,200 square feet for approximately 200 official, visitor, and employee parking spaces)

Alternatives to the proposed action include:

(describe briefly any alternatives identified that will meet the purpose and need for the project; include a description of No Action)

Public scoping will include:

(describe the scoping and public involvement plan for the EIS, including any meetings, field trips, or other public events scheduled as part of scoping)

For further information:

Name of Contact
Title
Address
Phone Number
(Fax and e-mail addresses, if appropriate)

Exhibit 7-2: Distribution of EISs

Distribution to the following is required by CEQ regulations:

A. DRAFT EISs:

- Environmental Protection Agency
5 copies to pertinent EPA Regional offices and 5 copies to:

Office of Federal Activities
NEPA Compliance Division
EIS Filing Section
Mail Code 2242-A
401 M Street, SW
Washington, DC 20460

-- Or when delivered by overnight mail, courier, etc.:

Ariel Rios Building (South Oval Lobby)
Mail Code 2252-A, Room 7241
1200 Pennsylvania Ave., NW
Washington, DC 20044
(Telephone 564-2410 or 2400 for access to building)

- Other agencies with jurisdiction by law or expertise (including cooperating agencies)
 - Federal
 - State
 - Local (including counties)
- The applicant, if any
- Any person, organization, or agency requesting the entire EIS
- Indian Tribes when the effects may be on a reservation
- Any agency that has requested to receive EISs on actions of the kind proposed

B. FINAL EISs:

- All of the above, plus
- Any person, organization, or agency that submitted substantive comments on the draft EIS

C. SUPPLEMENTAL EISs:

- All of the above

D. NOTICE OF NEPA-RELATED HEARINGS, MEETINGS, AND DOCUMENTS:

- Federal Register
- Local newspapers
- Newsletters (of the agency or other organizations)
(See Chapter 4, Scoping)

**Distribution to Any or All of the Following is Appropriate Where Scoping,
Analysis, Public Participation, or Expressed Interest So Indicate**

- U.S. Senators for the State in which the action will occur
- U.S. Representative for the District in which the action will occur
- Governor of the State in which the action will occur
- Governing body of any Federally recognized Indian tribe that may be affected by the action.
- Elected officials of the local jurisdiction in which the action will occur or which may be affected by the action:
 - County commissioners, Township council, or equivalent
 - Mayor
 - Head of City Council
 - City or County Executive
 - City or County Manager, Administrator
 - Cooperating agency(ies) when GSA is the lead agency
 - U.S. Environmental Protection Agency
(5 copies to headquarters and 5 to the Region in which the action will occur)
 - Public libraries
 - Agencies with jurisdiction by law or expertise:
- Federal agencies such as:
 - National Park Service
 - Advisory Council on Historic Preservation (with appropriate under Section 106 of the National Historic Preservation Act)
 - U.S. Fish and Wildlife Service (with appropriate documentation for coordination under the Endangered Species Act)
 - U.S. Army Corps of Engineers (with any permit application under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act)
 - U.S. Department of Housing and Urban Development
 - U.S. Department of Transportation
 - Federal Emergency Management Agency (with appropriate determination under Executive Order 11988)
 - U.S. Geological Survey
 - U.S. Small Business Administration
 - Federal Highway Administration
 - U.S. Department of Justice
 - U.S. Department of Health and Human Services
 - U.S. Department of Commerce
- State agencies such as:
 - State Environmental Protection Agency or Environmental Quality Department
 - State and/or Local Air Quality Board
 - State Historic Preservation Officer (with appropriate determination under Section 106 of the National Historic Preservation Act)
 - State Department of Natural Resources
 - State Department of Transportation
 - State Fish and Game
 - State Parks and Recreation

- State Land Use Board/Commission/Department
 - Community Development Agency
 - Farmland Preservation Agency
- Governments of Federally recognized Indian tribes potentially affected by the action, and/or specific pertinent tribal agencies as directed by the Tribal government
- County or Local agencies such as:
 - County Planning Commission/Engineering Department
 - City Landmark Commission and/or Historic Preservation Commission
 - Fire Department
 - Police Department
 - Building Department
 - Land Use and/or Zoning Department or Commission
 - Parks and Recreation
- Non-governmental groups and organizations such as
 - Representatives of affected low-income and minority groups (with translations, etc. where needed)
 - Non-Federally recognized Indian tribes
 - Native Hawaiian groups (in Hawaii)
 - Other indigenous groups where applicable
 - Utility companies (gas, electric, water, etc.)
 - Environmental groups (Sierra Club, Audubon, etc.)
 - Industry groups (Chamber of Commerce, Downtown associations)
 - Neighborhood groups
 - Adjacent landowners (residential and businesses)
 - Print and electronic media

**Addresses of Key Federal agencies can be obtained
through GSA's NEPA Call-In at 202-208-6228.**

Exhibit 7-3: EIS Model Cover Sheet Format

Cover Sheet

Title of Document / Volume #/ Total # of Volumes

(Draft or Final Environmental Impact Statement)

or

(Supplemental Environmental Impact Statement)

Document Number

Responsible Agency Name(s)

Title of Action

Location

Contact Name

Address

Telephone/Fax/E-mail (as appropriate)

One-Paragraph Abstract of the Document

The U.S. General Services Administration (GSA) is responsible for disposal of the James T. Kirk Spaceflight Center, recently determined by the National Aeronautics and Space Administration to be excess to its needs. GSA's responsibility in such a disposal action is to maximize the benefit of the transaction to the taxpayer, while meeting other critical needs such as housing for the homeless and environmental protection, and being sensitive to the economic, social, and cultural values and needs of surrounding communities. This Environmental Impact Statement (EIS) examines the environmental effects of three feasible disposal scenarios plus the "no action" alternative. Potential impacts on natural resources, air quality, water quality, endangered species, and community, social, and cultural resources are examined, together with the potential for the generation or release of toxic, hazardous, and radioactive wastes.

Date of Publication

Date Comments Must Be Received: _____

*(For DEIS: Allow at least 45 Days from Date of Publication
For FEIS: Allow at least 30 Days from Date of Publication)*

Exhibit 7-4: Format for Notice of Availability of EIS

Notice of Availability of (Draft/Final) EIS

The General Services Administration has filed with the Environmental Protection Agency and made available to other governmental and private bodies a (Draft/Final) Environmental Impact Statement on the following project:

Name of Project
Location of Project

The project will:

(enter brief description of the objectives of the project for example:

This project will provide a total occupiable area of about 203,000 square feet

- 133,300 square feet for 855 Federal employees
- 70,200 square feet for approximately 200 official, visitor, and employee parking spaces)

Copies of the Draft/Final Environmental Impact Statement are available from:

Name of Contact
Title
Address
Phone Number
(Fax and e-mail addresses, if appropriate)

[For Draft EISs only, use the following language:]

Council on Environmental Quality regulations provide for a 45 day review period, which begins with the date of the Federal Register notice of the availability of the Draft Environmental Impact Statement. That date is (insert date here); comments are due to the GSA contact named above no later than (insert date here).

Exhibit 7-5: Format for Record of Decision

Record of Decision

The General Services Administration has published a Final Environmental Impact Statement on the following project:

Name of Project
Location of Project

[Describe each of the following topics as needed:]

The Purpose and Need for the project was:

Alternatives examined included:

Environmental Consequences of the project include:

The decision is:

The environmentally preferable alternative is:

I selected/did not select the environmentally preferable alternative because:

The following economic and technical considerations were weighed in reaching my decision:

The following GSA mission consideration were weighed in reaching my decision:

All practicable means of avoiding or minimizing environmental harm from the selected alternative were adopted, through the attached program of mitigation, monitoring, and enforcement.

OR

All practicable means of avoiding or minimizing environmental harm from the selected alternative were NOT adopted, for the following reasons, though the attached program of mitigation, monitoring, and enforcement will be carried out:

(List Reasons)

Signature:

Name of Regional Administrator
Region

Date

CHAPTER 8 - SUPPLEMENTS AND REVISIONS TO NEPA DOCUMENTS

8.1 PURPOSE

To maintain flexibility in the face of changing circumstances, and to eliminate redundancy in its NEPA process, GSA is allowed by the CEQ regulations to revise and issue supplements to NEPA documents.

8.2 DEFINITIONS

A *revision* is a relatively simple change, usually involving a simple errata sheet or sheets, or a few replacement pages. A revision is used when a factual error is discovered, or when minor changes take place that need to be recognized in the NEPA document.

A *supplement* is a more substantial change, of sufficient magnitude that a new draft and final document must be prepared and circulated in the same manner as the original document (see 40 CFR 1502.9).

8.3 WHEN TO REVISE; WHEN TO SUPPLEMENT

Make a revision when all that is needed are minor, technical corrections of fact and/or editorial changes. Never use a revision to make significant substantive changes in a NEPA document.

The CEQ regulations require preparation of a supplement if:

- (1) [GSA] makes substantial changes in the proposed action that are relevant to environmental concerns; or
- (2) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

40 CFR 1502.9

Examples of such changes include:

- Changes in the purpose and need for the action
- Changes in key assumptions about population trends, environmental conditions, or economic forecasts
- Changes in environmental conditions such that the environmentally preferable alternative changes

8.4 CIRCULATION AND FILING

Copies of revisions must be provided to all parties reviewing the original NEPA document, and included with the original NEPA document in the formal administrative record of the action.

Supplements must be included in the formal administrative record for a project, along with the original EA or EIS being supplemented, and must be prepared, circulated, and filed in the same manner as a regular EA or EIS (except that the formal scoping process need not be repeated).

8.5 TIMING

Prepare your supplement as soon as practicable after you find a change in circumstance that warrants a supplement. Revisions may be prepared at any time.

GSA may also prepare revisions and supplements whenever it determines that the purposes of NEPA will be furthered by doing so.

8.6 RESPONSIBILITY

Program staff (e.g., project manager, realty specialist, asset manager, facility specialist, building manager, property manager, project developer) must be alert to the possible need for revisions and supplements, and are responsible for preparing them as needed, in consultation with or with the direction of the Regional NCE.

8.7 REQUIREMENTS FOR ENVIRONMENTAL ANALYSIS: SUPPLEMENTS

Supplemental NEPA documents have the same requirements for interdisciplinary analysis and preparation, adequacy and integrity of information, treatment of unavailable or incomplete information, and conciseness and plain language as the documents they supplement. See Chapters 5, 6, and 7 of this Desk Guide for more information.

8.7.1 Scope of Analysis

Supplemental analyses and documents should focus on the environmental issues or concerns which lead to the need for a supplement, i.e., the “substantial changes in the proposed action” or the “significant new circumstances or information” referred to above.

8.7.2 Public Involvement

The public should be involved in supplemental NEPA analyses to the extent necessary to perform adequate analysis of the issues of concern. A draft supplemental EIS or EA must be circulated to agencies and the public in the same manner as the original.

Under normal circumstances, it is not necessary to repeat public participation in the scoping process. Abnormal circumstances may include:

- If a long time has passed between the original NEPA document and the supplement (i.e., a new community has developed, or public opinion is substantially different from before)
- If the purpose and need or specific proposed action for the project have changed such that it is likely to engender new environmental issues or substantial public controversy

CHAPTER 9 - SPECIAL STUDIES

9.1 INTRODUCTION

“Special studies” include those environmental analyses which may be necessary as part of the NEPA planning process for a project. Some of the more common types of studies needed for GSA NEPA analyses are:

- Environmental Justice studies
- Social impact assessments
- Cultural resource surveys
- Environmental due diligence reports
- Floodplain delineations
- Wetland delineations
- Air quality studies
- Water quality studies
- Natural resource studies
- Endangered species surveys

These studies provide the background for preparing NEPA documents (EAs and EISs), which form the basis for environmental decisionmaking. Special study reports are hardly ever suitable for inclusion “as-is” in a NEPA document, but must be reviewed by in-house experts, and their data analyzed and summarized as appropriate. They are often appended to NEPA documents, or included by reference and made available for inspection by the interested public.

Decisions about the need for special studies, and about what kinds of special studies are needed, should be based on scoping. You should begin any needed special studies as early as possible in the course of EA or EIS analysis (and, where necessary, in the course of completing a CATEx Checklist). Special studies take time, and if a study begins too late, it can hold up completion of NEPA review and project planning.

9.1.1 Special Studies for Other Legal Requirements

In coordination with NEPA review, special studies are often used to comply with other environmental laws and related requirements. CEQ regulations at 40 CFR 1502.25 require that special studies designed to meet the requirements of other laws “to the fullest extent possible” be conducted concurrently with and integrated into the NEPA process, to reduce delay and to ensure that the necessary information is available to the decisionmaker.

Closely coordinate special studies with one another. Recall that NEPA requires agencies to carry out *interdisciplinary* analysis, not merely multidisciplinary analysis, of environmental impacts.

Specifically, you should conduct those studies required by the Fish and Wildlife Coordination Act, the NHPA, and the Endangered Species Act, and other “environmental review laws and Executive Orders.” (See **Appendix 1.**)

9.1.2 Obtaining Special Studies

Special studies may be obtained through the use of in-house technical experts, through interagency agreements with agencies that have jurisdiction by law or that have expertise in the topics requiring special studies, and by contracting with outside consultants. See Chapter 10, Contracting, for more information about this method of obtaining special studies.

9.1.3 How This Chapter Is Organized

This chapter provides guidance on the basics of conducting various kinds of special studies, with selected references, examples of previous GSA studies, and an outline of legal requirements.

Thus, this chapter can serve as a guide to asking questions of in-house or contract consultants, and to assist in technical review of study results (see Chapter 11, Technical Review, for more information).

Each topic has its own subsection, containing a legal reference, broad outline of data requirements, brief description of field or other study methods, and a brief description of typical study results.

The subsections are as follows:

- 9.2 Environmental justice studies
- 9.3 Social impact assessment
- 9.4 Cultural resource
- 9.5 Due Diligence Reports
- 9.6 Floodplain Studies
- 9.7 Wetland delineations
- 9.8 Air quality studies
- 9.9 Water quality studies
- 9.10 Natural resource studies
- 9.11 Endangered species surveys

For more information on the following and other kinds of special studies, contact NEPA Call-In at (202) 208-6228.

9.2 ENVIRONMENTAL JUSTICE (EJ) STUDIES

9.2.1 Legal Requirements

EO 12898 (2/11/94) requires GSA and all other Federal agencies to make "achieving environmental justice part of its mission" "to the greatest extent practicable and permitted by law."

"Environmental justice" means ensuring that low-income and minority populations (communities, neighborhoods, etc.) are not exposed to unjustly—that is, inequitably—high or adverse environmental impacts. Thus, the Executive Order requires agencies to identify and address any "disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations."

No government-wide guidance on EJ studies yet exists, but an interagency working group (IWG) comprising 17 agencies, departments, and officials is charged with developing suitable guidance for other agencies, such as GSA, to follow. Several agencies, such as the Departments of Energy and the Interior, and the EPA, have developed draft policies or strategies to guide their compliance with EJ requirements. GSA is currently developing its overall internal strategy for handling EJ issues in general. This Desk Guide and the orders it supports have been designed to help ensure that EJ issues are effectively addressed in NEPA analyses and documents. This is consistent with a Presidential Memorandum issued concurrently with EO 12898, which directed agencies to ensure that the EO's requirements are reflected in NEPA studies and reviews.

Because GSA actions so often take place in urban areas, their potential for effects (beneficial or adverse) on minority and low-income populations is great; thus, some level of EJ study is likely to be needed in most GSA NEPA reviews. This is not to say that EJ is strictly an urban issue, however. Impacts on rural populations (e.g., Indian tribes, rural African-American communities, low-income rural non-minority communities) must be considered when analyzing the effects of a non-urban action.

9.2.2 Data Requirements

Data actually required to incorporate EJ concerns into GSA's environmental planning are deceptively simple. Basically, you need to answer two questions:

- (1) Does the potentially affected community include minority and/or low-income populations?
- (2) Are the projected environmental impacts, if any, likely to fall disproportionately on members of these communities?

If you answer "yes" to both questions, you must develop mitigation or other methods to take these effects into account as part of your NEPA decisionmaking process.

What is the definition of a "minority population"? Draft IWG guidance states that a "minority population" may be present in an area if the minority population percentage in the area of interest is "meaningfully greater" than the minority population in the general population, and/or if the population inhabits over 50 percent of the affected area.

What is the definition of "low-income"? Draft IWG guidance defines "low-income" population as one identified with the Bureau of the Census Series SP-60 statistical poverty threshold.

Note that your baseline and projected data on the nature of health and other environmental effects should include comparative data on releases of pollutants, especially toxic pollutants, as well as health data reflective of the community being considered. Specifically, examine the following three criteria, as suggested by the IWG:

- (1) Whether [health or other environmental] effects (of a proposed action or alternative) are above generally accepted

norms (as measured by risks and rates);

- (2) Whether the risk or rate of [hazard or other environmental] exposure appreciably exceeds or is likely to appreciably exceed those of the general population; and
- (3) Whether [health or other environmental] effects occur as a result of cumulative or multiple exposures

Other environmental effects you must consider include those defined by the CEQ regulations for NEPA: ecological, cultural, economic, or social.

Public involvement is a necessary part of EJ studies and of achieving EJ over the long run. Incorporate EJ criteria into public involvement programs under NEPA, including those required by NEPA itself, the NHPA, and EOs protecting wetlands and floodplains. Recall that you may need to resolve public involvement issues such as language barriers, distance to and timing of meetings, and other factors related to public involvement (see Chapter 4, "Scoping.")

9.2.3 Study Methods

When you conduct an EJ study, ensure that the aggregate data you receive (readily available from census lists) do not mask "pockets" of minority or low-income populations. Also, you should involve populations who are the subject of EJ concerns in the decisionmaking process early and frequently, to avoid later accusations that they were ignored (inadvertently or deliberately).

EJ studies should include the following activities (based on draft IWG and EPA guidance):

- Determination of appropriate study area;

- Review of census data on income and ethnicity for the area;
- Identification of "pockets" needing special study; and
- Baseline (background) research on health or other environmental effects; population beliefs and values affecting reporting and treatment; and other socioeconomic data useful for answering the threshold questions listed above.

Use site visits, interviews, Geographic Information System (GIS) databases, and other sources to supplement documentary research findings as available and as needed. Also, you are likely to need special studies by urban or rural sociologists, anthropologists, and experts in intercultural communication and public participation.

9.2.4 Study Results

The results of your EJ study should include data on the current and projected health and other environmental effects of your proposed action or alternative on minority and/or low-income populations in the appropriate area of study. You should acquire an understanding of the cultural systems in the populations, so that you can estimate the impact of its actions on the culture. If the impacts are disproportionately high and adverse, you must develop suitable mitigation measures to ensure that environmental justice is achieved.

9.3 SOCIAL IMPACT ASSESSMENT

9.3.1 Legal Requirements

A social impact assessment (SIA) is a fundamental part of NEPA analysis, which calls for the integrated use of the social sciences in assessing impacts "on the human environment." SIAs are also an important way of addressing the requirements

of EO 12898 and sometimes other statutes, such as the CERCLA, aspects of the NHPA, and the American Indian Religious Freedom Act.

An SIA is often characterized as "socioeconomic impact analysis," and major emphasis is placed on such economic variables as job creation and loss, strains on city services, and impacts on the local tax base. These are important variables, but they are not the only ones that should be analyzed. Socioeconomics should be one aspect of an SIA, not the only or most dominant aspect.

9.3.2 Data Requirements

The Interorganizational Committee on Guidelines and Principles for Social Impact Assessment defines "social impacts" as "consequences to human populations of any public or private actions that alter the ways in which people live, work, play, relate to one another, organize to meet their needs and generally cope as members of society. The term also includes cultural impacts involving changes to the norms, values, and beliefs that guide and rationalize their cognition of themselves and their society."¹

To conduct an SIA, then, you must first make a reasonable effort to characterize the ways in which people live, work, play, etc. in the area(s) where your action may have effects, and determine what norms, values, and beliefs may be important to them. Next, assess what your action may do to these variables.

9.3.3 Study Methods

The "Guidelines and Principles for Social Impact Assessment" cited above recom-

¹ Interorganizational Committee guidelines and Principles for Social Impact Assessment. US Dep. Commer., NOAA Tech. Memo. NMFS-F/SPO-16, 1994.

mends following these steps in the SIA process:

- (1) Develop an effective public involvement plan to involve all potentially affected publics. This means identifying and reaching out to the communities, neighborhoods, and other human populations that may be affected. Cultural and language barriers to such involvement should be considered in developing such a plan.
- (2) Describe the relevant human environment or area of influence and its baseline conditions. This means describing the social and cultural character of the potentially affected area(s) as it is now.
- (3) Identify the full range of probable social impacts, based on discussions or interviews with members of all potentially affected social groups. This should be initiated as part of scoping, and continue through the life of the analysis.
- (4) Project estimated effects and investigate them. This analytic process typically involves the study of data on the proposed action itself, records of previous experience with similar actions (carried out by GSA or others), census, tax, real estate, and other records, and field research including interviews, group meetings, and surveys of the population. Various analytical methods are used in this stage of the assessment, typically including comparison with the effects of other similar actions, straight-line trend projections, the construction and playing-through of impact scenarios, the use of expert testimony, sometimes computer modeling, and what is called "calculation of futures foregone," i.e., considering what the community will have to give up as a result of the action.
- (5) Predict responses to the impacts. This is a measure of significance. For ex-

ample, if constructing a new courthouse is likely to attract law offices to a neighborhood, increase or reduce property values, and alter neighborhood tax levels, this is certainly an impact, but how serious an impact it is depends largely on how the neighborhood reacts to it. Predicting responses generally involves comparative analysis and interviews about what people will do if the action goes forward and specific impacts occur.

- (6) Consider and recommend alternatives. The SIA should include an assessment of alternatives, and the formulation of recommendations as to which alternatives are preferable in terms of the sociocultural environment.
- (7) Develop a mitigation plan. The SIA should also develop and propose means of avoiding, minimizing, rectifying, or reducing the social impacts of various alternatives.
- (8) Develop a monitoring plan, which can be adopted as part of the FONSI or ROD to ensure that mitigation is carried out, and that it is effective.

Typically, you will use specialists in relevant social science disciplines such as sociology, anthropology, economics, and cultural geography in the conduct of an SIA. Folklife studies are sometimes relevant as well. Note that an SIA should be closely coordinated with "cultural resource" studies (see below), because their subject matters overlap greatly.

9.3.4 Study Results

The results of an SIA, as reported in an EIS or EA, should

- Describe how the diverse public was involved in the study;

- Address significant social, cultural, and economic impacts, not those that are insignificant;
 - Describe the study methods and the assumptions on which the SIA was based;
 - Carefully analyze impact equity (who wins, and who loses, in the case of each alternative), particularly with respect to impacts on low-income and minority populations;
 - Identify data sources, and identify any needed data that are unavailable, evaluating their importance and providing a strategy for proceeding either to obtain the missing data or to get by without them;
 - Identify the practitioners who carried out the assessment; and
 - Include a description of proposed mitigation measures, and a proposed monitoring program.
- National Historic Preservation Act (NHPA)
 - Public Buildings Cooperative Use Act (PBCUA)
 - Architectural Barriers Act (ABA)
 - Native American Graves Protection and Repatriation Act (NAGPRA)
 - American Indian Religious Freedom Act (AIRFA)
 - Archeological Resources Protection Act (ARPA)
 - Federal Records Act (FRA)
 - EO 11593, "Protection and Enhancement of the Cultural Environment"
 - EO 13006, "Locating Federal Facilities on Historic Properties in Our Nation's Central Cities"

"Cultural resources" is an umbrella term for many kinds of heritage-related resources you must consider during the NEPA process for your proposed action and alternatives:

Ideally, an SIA should not be carried out by itself and result only in an end-product report. Particularly given the potential for sociocultural and socioeconomic impacts to generate public controversy, it is important for the SIA to provide ongoing feedback to GSA planners and decisionmakers.

9.4 CULTURAL RESOURCES

9.4.1 Legal Requirements

Over a dozen Federal laws and Executive Orders, along with their attendant regulations, require GSA to take specific actions to identify, protect, and preserve important aspects of the nation's cultural heritage (see **Appendix 1** for a listing of some of these laws; see also GSA Order ADM 1020.2). Among the most important are:

- Historic sites, buildings, districts, structures, and objects with historic, architectural, archeological, engineering, and cultural values (e.g., a historic courthouse or the archeological remains of a 19th-century neighborhood).
- Historical objects such as the equipment that might be found in a surplus industrial facility, objects found at or excavated from an archeological site, and objects associated with the history and culture of an Indian tribe or Native Hawaiian group.
- Documents with historic, folkloric, or archeological significance (e.g., the rec-

ords of a surplus military base, records pertaining to an archeological site, or the original plans and specifications for a building).

- Places of traditional religious or cultural importance to an Indian tribe or Native Hawaiian organization.
- Locations regarded by a community or neighborhood, or others, as contributing to its "sense of place."
- The traditional religious and cultural practices of a community, neighborhood, Indian tribe, or Native Hawaiian group.

Each of the various specific cultural resource laws tends to deal with some subset of cultural resources; for example, NHPA deals with "historic properties," while NAGPRA deals with "Native American cultural items." These terms overlap, but one seldom completely subsumes another. Only NEPA itself requires consideration of impacts on ALL types of cultural resources.

Regulations implementing NEPA require that compliance with requirements of NHPA and other pertinent laws be integrated "to the fullest extent possible" with NEPA analyses and documentation. (40 CFR 1502.25)

9.4.2 Data Requirements

A cultural resources assessment should address the full range of cultural resource types potentially affected by your action, as determined through scoping. Like an SIA, a cultural resources assessment should characterize the relevant aspects of the sociocultural environment; in this case, the cultural resources assessment should characterize cultural aspects and assess what your action may do to these aspects. A great deal of guidance is available from the National Park Service (NPS) with re-

gard to historic properties, archeological resources, and Native American cultural items in the form of regulations, National Register Bulletins, Technical Briefs, and other guideline documents.

This guidance covers such topics as:

- Evaluation criteria for "significant" historic properties
- Standards for historic property surveys
- Recommended qualifications for in-house and consultant specialists
- Requirements for National Register of Historic Places nominations
- Curation standards for artifacts and museum properties
- Requirements for consultation under NAGPRA

The Advisory Council on Historic Preservation (ACHP), a Federal agency charged with overseeing review of Federal undertakings under Section 106 of NHPA, has government-wide regulations (36 CFR 800) that GSA must follow in complying with Section 106, and also provides extensive guidance on Section 106 compliance. The NHPA on Federal undertakings that may have an "effect" on cultural properties listed on or eligible for the National Register of Historic Places, has also developed extensive guidance on how to comply with its procedures contained in 36 CFR 800.

Copies of NPS and ACHP guidance are available from GSA's Federal Preservation Officer (FPO) at National office and/or from Regional Historic Preservation Officers (RHPOs). The FPO is also GSA's NEPA Liaison, and RHPOs are normally lodged in or in close contact with the Regional NCE. GSA Order ADM 1020.2 (currently under revision) describes the internal GSA re-

quirements for compliance with aspects of NHPA and other historic preservation authorities.

Cultural resources include more than historic properties, however. The National Archives and Records Administration (NARA) provides extensive regulations and guidance for the management of historical records. The American Folklife Center (AFC) in the Library of Congress provides direction for folklife studies. The "Guidelines and Principles for Social Impact Assessment," cited above (Section 9.3.2), contain useful direction for identifying and assessing impacts on the cultural values of living communities.

9.4.3 Study Methods

Cultural resources studies appropriate under NEPA can include background research and field studies to identify historic places and other cultural resources and to determine their significance; interviews and meetings to identify community cultural resource concerns; consultation with such agencies as the ACHP and State Historic Preservation Officers (SHPOs), Indian tribes and Native Hawaiian groups, and public involvement programs. Cultural resources studies may also include archeological and historic resource records searches; field surveys; evaluation studies; production of historic structure reports (HSRs); historic building preservation plans (HBPPs); National Register of Historic Places (NRHP) nominations; archeological excavation reports; and materials (artifacts and records) conservation reports.

Some of the specific cultural resource regulations provide quite detailed direction about the kinds of studies that are necessary. The NHPA Section 106 regulations (36 CFR 800) provide direction regarding the identification and evaluation of historic properties, and the NAGPRA regulations provide even greater detail about consult-

ing with Indian tribes and Native Hawaiian groups. These statute-specific standards must be addressed in planning a cultural resources assessment for NEPA purposes.

Many cultural resource studies are labor-intensive, time-consuming, and often weather-dependent or seasonal. Snow or frozen ground may prevent some kinds of archeological surveys from being conducted during the winter, for example, and some Native American cultural authorities may not be available for consultation during seasons when they have to perform cultural duties elsewhere. Surveys of historic buildings may involve safety requirements, use of scaffolding or photogrammetric techniques; surveys for archeological resources may require subsurface excavations to determine site boundaries or provide data for evaluations of significance.

When you conduct a cultural resources assessment, include the following key aspects:

- Define the range of cultural resource types that may be of concern (as determined by scoping).
- Define the study area (this is especially important for archeological surveys that may encounter subsurface materials; the study area for archeological sites is usually the area (if any) to be disturbed by the action, while the study area for other kinds of cultural resources is usually larger).
- Kinds of study methods to employ, and level of intensity of the field study (if any). Many SHPOs and others use what appears to be a standard system of Class I, II, and III surveys, from least to most intensive, but this system is not in fact standardized; the same terms mean different things in different areas. Moreover, it applies only to surveys for historic properties, not for all kinds of

cultural resources; be careful in using such terminology in establishing study methods.

- Types of cultural resource expertise necessary (archeologist, architects, folklorists, landscape architects, geographers, engineers, and Native American religious specialists are not interchangeable; an appropriate interdisciplinary mix is necessary and defined based on scoping).
- Supplementary studies needed (for example, radiocarbon dating, paint analysis, archival research, interviews, sub-surface radar or other non-destructive profiling, geomorphology studies, osteoanalysis).
- Nature of documentation required (reports, archivally stable photographs, maps, computer output of various kinds).

9.4.4 Study Results

Because of the variety of types of cultural resources, and the variety of types of cultural resource studies, no single list of “study results” is easily constructed.

In general, however, cultural resources assessment studies for NEPA compliance will result in the following types of items:

- A report, including description of qualifications of survey personnel, methods used during the survey, objectives of the survey, survey design, results of background research, results of file or archival searches, actual results of the field survey, evaluations of any resources located during the survey, and recommended GSA actions in light of the survey results.
- Maps, photographs, audio or videotapes, computer printouts and disks, re-

sults of special studies, and bibliographic material as appropriate.

- In some cases, completed standard forms (such as historic property inventory forms).
- Field notes and other background materials.

The FPO or RHPOs should be involved in the design and technical review of cultural resource studies to ensure they meet pertinent regulatory and professional standards and will provide program staff with the data needed both for NEPA analysis and for compliance with such pertinent other authorities as the ACHP Section 106 regulations (36 CFR 800) and the NPS NAGPRA regulations (43 CFR 10).

The level of detail seemingly required by the historic preservation regulations in particular—sufficient information to determine the eligibility of particular properties for inclusion in the National Register of Historic Places—can be very difficult and costly, if not impossible, to obtain at the early stage of planning when NEPA analysis must be performed. NEPA analysts are sometimes tempted to put off the work needed to comply with NHPA Section 106 until after a FONSI has been issued or an EIS has been finalized. This is very bad practice, however, since it places GSA in the position of making decisions without full data, in a manner inconsistent with the spirit if not the letter of both NEPA and NHPA. This is an unresolved problem that simply must be considered in designing a cultural resources assessment study.

9.5 DUE DILIGENCE REPORTS

9.5.1 Legal Requirements

“Environmental Due Diligence” is a term of art that describes the responsibilities of a landowner such as GSA to conduct an appropriate inquiry prior to purchase or development of a parcel of commercial real estate and ensure that all “recognized environmental conditions” have been identified. A “recognized environmental condition” means the presence or likely presence of any hazardous substances covered under the terms of CERCLA, as well as petroleum products, asbestos, lead-based paint, radon, and other environmental hazards covered under other laws or industry practice.

By exercising such due diligence, GSA gains two benefits:

- (1) it has access to the “innocent landowner defense” under CERCLA; and
- (2) it has likely identified the presence of any hazardous materials on the site that may need remediation.

Due diligence requires, at a minimum, preparation of an Environmental Due Diligence Assessment (EDDA), often called a “Phase I Environmental Site Assessment” or simply a “Phase I.” If the Phase I study indicates the likely presence of a “recognized environmental condition,” a “Phase II” characterization study must also be conducted.

9.5.2 Data Requirements

The legal standard of “appropriate inquiry” implies that the actual level of inquiry will vary, depending on the specific circumstances of the property in question.

Phase I studies are presumed valid for 180 days, although older ones may be used

depending on the specific circumstances of the property.

Current industry practice as set forth in American Society for Testing and Materials (ASTM) Standards #E1527 (Environmental Site Assessments) and 1528 (Transaction Screen Process) describe the major data requirements for a Phase I study. Because Phase II studies are based on the results of Phase I, no standard data set is required for Phase IIs (see ASTM draft standard dated July 12, 1996).

Phase I Environmental Site Assessments require the following data to be collected:

- (1) Based on a records review, including searches of Federal, State and local lists, data on the following types of sites within the following standard approximate minimum search distances:
 - Federal NPL sites- 1.0 miles
 - Federal CERCLIS list- .5 miles
 - Federal RCRA TSDFs- 1.0 miles
 - Federal RCRA generators—local
 - Federal ERNS list-property only
 - State hazardous. waste sites-1.0 miles
 - State landfills-0.5 miles
 - State leaking USTs-0.5 miles
 - State registered USTs - local

The standard map for indicating site location is a United States Geological Survey (USGS) 7.5’ quadrangle map; other, non-standard maps may be used if the site location is not readily ascertainable from a USGS map, or if no USGS map is available for the study area.

Review records back to the first obvious developed use (including previous agricultural uses or placement of fill) or to 1940, whichever is earlier. Determine property uses from historical sources, but use common sense (i.e., very early

properties need only be researched back to the point at which their use could have generated pollutants, not to their original settlement by the Pilgrims, the Spanish, or an Indian tribe).

- (2) Use site reconnaissance to inspect the property, including exteriors and interiors of any buildings or structures, site setting, current and past uses of the property and adjoining properties, and roads of any features of the natural environment (geology, topography, hydrology, etc.) that may affect migration of hazardous substances to or from the property being reviewed.
- (3) The review should especially note the existence of any odors, standing pools, containers, corrosion, stained soils, stressed vegetation, waste piles, HVAC systems, equipment containing PCBs, asbestos, possible lead-based paint, etc.
- (4) Interviews with current and prior owners and occupants, as well as local government officials, are aimed at discovering specific information about site uses, either to fill in gaps in records reviewed or to corroborate information obtained from records.

9.5.3 Study Methods

Phase I studies involve reviewing records, visiting the site, and interviewing owners, occupants, and government officials. No specific methods for conducting such activities are prescribed in the standards, but these activities must be conducted by an "environmental professional," defined as a person with sufficient training and experience to accomplish these tasks and develop conclusions regarding the existence of "recognized environmental conditions" on the property. Phase I studies do not involve taking samples or conducting laboratory analysis.

Because much Phase I research is historical, it is usually cost-effective to coordinate such research with the cultural resources assessment (if one is performed).

Phase II studies do involve physical sampling and laboratory analysis. The draft ASTM standard for Phase II studies requires development of a work plan in which the specific sampling plan, chemical testing plan, and quality assessment/quality control procedures are defined. Field and laboratory analytical techniques for hazardous materials are usually defined by existing EPA and ASTM standards, which should guide development and review of the Phase II work plan. Phase II studies should also be coordinated with the cultural resources assessment if one is performed, both to maximize efficiency (auguring to identify USTs or waste plumes may provide information on buried archeological sites, and vice-versa) and to minimize damage to historic properties and other cultural resources (sampling material from the walls of a historic building may damage it).

9.5.4 Study Results

Phase I studies result in reports that describe the study, including documentation of research conducted, credentials of the environmental professional conducting the study, the environmental professional's opinion of the impact of any recognized environmental conditions in connection with the property, and the environmental professional's signature.

The report must have a Findings and Conclusions section that contains one of the following two statements:

Recognized Environmental Conditions Absent

"We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM

Practice E 1527 of [insert address or legal description], the property. Any exceptions to, or deletions from, this practice are described in Section [] of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property.”

Recognized Environmental Conditions Present

“We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527 of [insert address or legal description], the property. Any exceptions to, or deletions from, this practice are described in Section [] of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property except for the following: [list].”

Where the Phase I study shows that there are or may be "recognized environmental conditions" on the property, if GSA continues to plan use of the property it will usually be necessary to conduct a more detailed Phase II study to characterize the conditions more fully. Work to remediate the conditions (e.g., by removing the pollutants) would then be scheduled as part of the planned project.

9.6 FLOODPLAIN STUDIES

9.6.1 Legal Requirements

EO 11988 requires GSA to evaluate the potential effects of any actions it may take in a floodplain, and to ensure that its plans consider flood hazards and floodplain management needs.

The “floodplain” of concern is usually the “100-year floodplain,” which is defined as the area subject to a one percent (or greater) chance of flooding in any given year. For certain critical actions (i.e., those

for which even a slight chance of flooding would be too great), the “500-year floodplain” (area subject to a 0.2 percent chance of flooding in a given year) is the area of concern. Guidelines originally published by the (now defunct) Water Resources Council in 1978, and now overseen by the Federal Emergency Management Agency (FEMA) provide guidance for determining whether an action is “critical.” These FEMA guidelines (“Guidelines for Implementing Executive Order 11988,” Water Resources Council, February 10, 1978, 43 FR 6030-6055) should be maintained by the NCE and made available to program staff, together with related guidance material issued by FEMA.

Effects of an action on a floodplain include not only the effect of actually doing something on the floodplain, but also of inducing someone else to do something. If GSA constructs a building outside the floodplain that stimulates development on the floodplain, this floodplain development must be considered under EO 11988 and its implementing guidelines.

“Early public review” of proposed actions in a floodplain also is required. This review usually is coordinated with the public involvement process required under NEPA.

9.6.2 Data Requirements

GSA must determine whether its proposed action or alternatives will be located in or affect (e.g., by stimulating development of) a floodplain, as defined in the FEMA guidelines.

9.6.3 Study Methods

The FEMA guidelines establish an eight-step process to follow in assessing and addressing floodplain effects.

Step 1: Determine whether the action is likely to occur in or affect a 100-year flood-

plain. To do this, GSA must consult the official floodplain maps maintained by FEMA, called Flood Insurance Rate Maps (FIRMs).

If the area of interest is not covered by FIRMs, other maps prepared by the U.S. Army Corps of Engineers (USACE), USGS, or other Federal or State agencies may be used.

In the absence of any previously mapped data, a geologist, hydrologist, botanist or other qualified professional must conduct an archival and/or field study to determine the boundaries of the 100-year (or 500-year) floodplain.

Archival study methods include reviewing flood records, aerial photographs, and plat maps for the study area. Field study methods include visual inspection of the study area, excavation of trenches or other subsurface examinations, and inspection of flood debris patterns and vegetation types. It may be efficient to combine such studies with due diligence studies and cultural resources assessments.

Step 2: Conduct early public review. If the action could affect a floodplain, the FEMA guidelines set forth specific requirements for public review, which should be coordinated with scoping and public involvement under NEPA.

Step 3: Identify and evaluate "practicable alternatives" to locating in the floodplain. This involves considering both alternative sites and alternative actions, including the "no action" alternative.

Step 4: If locating the action where it could affect a floodplain is the only practicable alternative, identify the potential impacts of the action on the floodplain and its values, and on floodplain development.

Step 5: Incorporate measures into the action, if it proceeds, to minimize impacts on

floodplain values, and harm to the investment at risk and to others. Also incorporate measures where possible to restore and preserve floodplain values.

Step 6: Re-evaluate alternatives, taking into account the identified impacts and measures to minimize them and to restore and preserve floodplain values.

Step 7: Arrive at findings and make these available to the public, with an explanation meeting specific standards set forth in the FEMA guidelines.

Step 8: Implement the action.

These steps parallel those of NEPA review, and not all are proper subjects for special studies. Generally Steps 1 and 2 are done as a special study coordinated with NEPA scoping and early EA or EIS analysis. Steps 3 through 6 are then done as part of draft EIS or EA preparation, and Step 7 is coordinated with final EIS or EA preparation and dissemination, and with issuance of a ROD or FONSI.

9.6.4 Study Results

Step 1 and 2 floodplain studies result in a map of floodplain boundaries and a report outlining background research conducted, field study methods and results, public review activities and results if the action will affect a floodplain, and recommendations for GSA actions to complete any remaining necessary steps in the process and to minimize impacts on any floodplains identified in the study area.

9.7 WETLAND DELINEATIONS

9.7.1 Legal Requirements

Wetlands are defined, in general, as follows:

The term *wetlands* means those areas that are saturated by surface or ground water at a fre-

quency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

33 CFR 328.3

EO 11990 requires GSA to avoid undertaking or providing assistance for new construction in wetlands unless GSA finds that:

- (1) there is no practicable alternative to such construction; and
- (2) the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

Economic, environmental, and "other pertinent" factors may be considered in reaching these findings.

EO 11990 also requires "early public review" of any proposed new construction in wetlands. This review usually is coordinated with the required public involvement process under NEPA, EO 11988, and other authorities.

9.7.2 Data Requirements

In order to comply with wetlands protection requirements, it is necessary to know whether a wetland or possible wetland is present. The specific definition of Federal wetlands continues to change (within the parameters of the general definition given above), and some states have their own definitions as well, so it is important for GSA program staff to determine which definition applies to any specific proposed action.

The 1991 version of the USACE's Wetlands Delineation Manual requires that the area being delineated exhibit wetland hydrology, hydrophytic vegetation, and hydric soils, unless the area is a specifically de-

fined "exception" such as a playa lake, vernal pool, prairie pothole, or other specially designated wetland type. Wetlands meeting these criteria are known as "jurisdictional" wetlands, because they are under the jurisdiction of the USACE under the Clean Water Act (CWA).

Several Federal agencies may be involved in wetlands delineations:

- *USACE*, because it issues permits under Section 404 of the CWA for any discharge of dredging or fill material in a wetland;
- *U.S. Fish and Wildlife Service*, because it (along with the USACE) have the authority to define and delineate wetlands, and maintain the National Wetland Inventory maps;
- *Environmental Protection Agency*, because it jointly administers portions of the Section 404 permit program, and issues the National Pollution Discharge Elimination System (NPDES) permits for discharge of pollutants into any waters of the United States, including wetlands. In many States, EPA has delegated its NPDES permitting authority to a State EPA.

9.7.3 Study Methods

Special studies to identify and map, or "delineate," wetlands are likely to be needed where actions are proposed on floodplains or in other areas that have low spots where standing water may accumulate. Areas that are not wet at the time they are observed may nevertheless be wetlands; most wetlands lack both standing water and waterlogged soils during dry seasons. Some areas have already been surveyed for wetlands; information on such areas is available from the local USACE district office. If the area under consideration has not already been surveyed, then profes-

sional biologists, botanists, or soil scientists must review aerial photographs and conduct site inspections to determine whether any wetlands exist. Wetlands may be indicated by specific types of vegetation (e.g., cattails, sphagnum moss, rushes), soils (e.g., peats, mucks, sandy soil with vegetative layers, etc.), and hydrological evidence (standing water, waterlogged soils, evidence of prior water stands). Wetland delineation studies must be carried out in accordance with the USACE's Wetlands Delineation Manual (1987).

9.7.4 Study Results

Study results normally consist of a delineation map and a report, defining the location and characteristics of any wetlands identified in the study area. These form the basis for the pertinent section of the EIS or EA, and for GSA's application for a Section 404 permit.

9.8 AIR QUALITY STUDIES

9.8.1 Legal Requirements

The Clean Air Act (CAA) provides for a regulatory process to minimize and reduce the discharge of pollutants into the air. Automobiles are among the most serious sources of pollutants, so GSA actions that affect the operations of automobiles particularly need review to ensure consistency with the CAA.

The CAA requires an agency like GSA to control its emissions of pollutants through such actions as:

- Prevention of significant deterioration (PSD) of overall air quality in or near Class I areas such as Wilderness areas or National Parks.
- Controlling short-term violations of National Ambient Air Quality Standards

(NAAQSs) during construction or reconstruction activities.

- Minimizing contribution to smog and other "criteria" air pollutants from changes in traffic patterns (including overall increases) resulting from GSA's action.
- Establish and implement pollution prevention plans, particularly in "nonattainment" areas (that is, areas that have not met standards for reduced pollutants set by EPA).
- Coordinate with and where applicable obtain permits from Federal, State, regional, and local air quality regulatory bodies.

Under the CAA, all states prepare State Implementation Plans (SIP) consistent with EPA standards. States and air quality management districts (AQMD) then administer a permitting program to ensure consistency with the SIPs. Section 118 of the CAA requires Federal agencies to comply with State, interstate, and local requirements to the same extent as any nongovernmental entity, so GSA must seek a state or AQMD permit whenever it considers an action to which an SIP applies. Permits are needed, for instance, when planning a facility that had the potential to emit pollutants, or for a facility that significantly changed traffic volumes or patterns, such that smog levels could increase. Although the CAA is independent of NEPA, compliance with it should be coordinated with NEPA, and special studies needed for such compliance should be part of the NEPA analysis.

9.8.2 Data Requirements

To comply with CAA, GSA must determine two basic things:

(1) What is the present air quality?

and

(2) What short- or long-term changes to air quality, if any, will the proposed action and its alternatives cause?

Air quality is measured with respect to six common, or “criteria,” air pollutants:

- Ozone
- Nitrogen Dioxide (NO_x)
- Carbon Monoxide (CO)
- Particulate Matter (PM-10)
- Sulfur Dioxide (SO₂)
- Lead

A seventh class of pollutant, Volatile Organic Compounds (VOCs), is commonly considered important because of the contribution to the creation of smog.

Standards for these pollutants are contained in SIPs developed by States (with public input) and approved by EPA.

9.8.3 Study Methods

Current air quality for a study area is usually determined by requesting data for the area of interest from the State Air Quality Department or equivalent. U.S. EPA maintains a list of State-level contacts.

Projected air quality data are usually based on computer “air dispersion” models developed or approved by EPA. Examples include the EPA Industrial Source Complex Short Term (ISCST) model, and the EPA Rough Terrain Diffusion Model (RTDM), developed for industrial point source calculations.

Other Federal agencies have created their own models or screening protocols, including the U.S. Department of Transportation, the U.S. Department of Energy, and the U.S. Forest Service.

The pertinent State agency involved should be consulted in deciding which model to use in estimating projections.

9.8.4 Study Results

Studies of air quality result in current and projected numerical data for the criteria pollutants, and estimates of duration and intensity of visibility degradation (if any) resulting from the project being studied. These data are incorporated into the EA or EIS, and used in applying for a CAA permit if one is needed.

9.9 WATER QUALITY STUDIES

9.9.1 Legal Requirements

Water quality issues as they relate to GSA actions fall into two main categories:

- (1) dredge, fill, or other discharges during or resulting from construction
- (2) discharges of pollutants during or as a result of occupation and occupant activities

CWA covers both of these issues through a system of State-developed standards and State or Federal permits.

9.9.1.1 Dredging and Filling

Dredging and/or filling of “waters of the US” are permitted by the USACE under the requirements of Section 404 of the CWA, with EPA oversight. The Corp’s extensive permit program is described at greater length above with respect to wetlands.

9.9.1.2 Discharge of Pollutants

The CWA prohibits discharge of pollutants into waters of the United States unless EPA or the relevant State issues a permit under the National Pollution Discharge Elimination System (NPDES).

The CWA defines the term “pollutant” to include the following items (discharged into water):

- Dredged spoil
- Solid waste
- Incinerator residue
- Sewage
- Garbage
- Sewage sludge
- Munitions
- Chemical wastes
- Biological materials
- Radioactive materials
- Heat
- Wrecked or discarded equipment
- Rock, sand, cellar dirt
- Industrial, municipal, and agricultural waste

Certain specific “toxic pollutants,” such as metals, organic compounds, and asbestos, are considered “priority pollutants,” and therefore are subject to special regulatory efforts by the EPA.

Construction wastes, runoff, etc. often are considered “discharges” and therefore may require a NPDES permit, depending on the State in which the action takes place. Often the issue is simply to avoid overwhelming local treatment works with construction-related or operational sewage needing treatment to ensure it meets the standards. In some cases broad impacts on natural ecosystems are a concern.

9.9.2 Data Requirements

Baseline water quality data should include data on the presence of any of the listed “toxic pollutants.” In addition, parameters such as temperature, turbidity, biological oxygen demand (BOD), and presence of organisms should be determined.

Projections or estimates of changes in water quality during or after the GSA project should include the same parameters, and be especially sensitive to estimates exceeding or near the threshold of local water quality standards.

9.9.3 Study Methods

Local government jurisdictions may already have baseline data, which may be obtained simply by contacting the appropriate State or local agency. This is likely to be true of urbanized areas.

If baseline data do not exist, or special parameters need to be studied, a qualified water engineer or hydrologist should be sought to perform the study. Samples and laboratory analyses should be taken in accordance with EPA-approved or other industry standard sampling and testing protocols.

If data are being collected as part of monitoring of an existing NPDES permit, instructions in the permit will define the frequency and type of sampling required.

Potential changes in water quality should be projected based on the action's known and likely discharges. It is important to consider potential cumulative effects on water quality by GSA in combination with all other sources of pollutants.

9.9.4 Study Results

Water quality studies will result in numerical tables, comparing baseline and projected data for selected parameters, and estimates of whether discharges of pollutants will exceed effluent limitations. They should also result in recommendations for measures to control discharges, or for mitigation.

9.10 NATURAL RESOURCE STUDIES

9.10.1 Legal Requirements

“Natural resource studies” are not specifically required by any law, but are among the types of studies that are necessary for decisionmaking. Natural resource studies typically include studies of geology and geomorphology; soils, hydrology, natural landscapes; atmospheric conditions; vegetation (not threatened or endangered species); and wildlife (not threatened or endangered species).

9.10.2 Data Requirements

The biggest issue with these kinds of studies is making sure that the kind of data developed meets the needs of GSA project decisionmakers. For example, there are many different kinds of “soil studies,” only a few of which are necessary or even useful for NEPA analysis.

9.10.2.1 Soils

Useful types of data to be developed for these resources include the following:

- Soil engineering data, such as moisture, compression factors, and other design-sensitive characteristics
- Soil components (especially clay)
- Soil depth to hardpan, bedrock, etc.
- Soil erosion potential
- Whether the soil qualifies as “Prime Farmland” (for which specific legal protection requirements do exist)
- Any unusual characteristics that would affect design or construction specifications

9.10.2.2 Geology

Useful types of data to be developed for these resources include the following:

- Types and locations of bedrock that might affect design or construction specs
- Groundwater depth and flow characteristics
- Seismic hazards and risk assessments
- Volcanic hazards and risk assessments
- Location near aquifers or springs
- Presents of radon emitting soils and/or rock

9.10.2.3 Landscapes

Useful types of data to be developed for these resources include the following:

- Site views from prominent vista points
- Site views to prominent vista points
- Relationship of overall site design to neighborhood characteristics and nearby landscapes, including views

9.10.2.4 Atmospheric Conditions

Useful types of data to be developed for these resources include the following:

- Wind direction, intensity, and duration
- Snow, ice, or other climatic hazards
- Temperature extremes (as they affect HVAC design and creature comforts)
- Storm type, frequency, and intensity (especially hurricanes, tornadoes, severe thunderstorms, etc.)

- Sun direction, intensity, and seasonal duration

9.10.2.5 Vegetation

Useful types of data to be developed for these resources include the following:

- Type and distribution of vegetation as it may affect design or construction needs (clearing, erosion control, landscape design, presence of allergens, etc.)
- Presence of community emotional or cultural attachments to particular vegetation types or specimens ("the old oak tree")
- Role of vegetation potentially affected by the action in the local or regional ecosystem
- Effects of shadows from proposed buildings

9.10.2.6 Wildlife

Useful types of data to be developed for these resources include the following:

- Role of wildlife potentially affected by the action in the local or regional ecosystem
- Presence of appealing or popular kinds of wildlife in the area (prairie dogs, deer, rabbits, birds)
- Presence of culturally important wildlife
- Migration patterns (for example, Canada goose populations)
- Presence of nuisance wildlife in the area
- Habitat creation or destruction for popular or nuisance wildlife

9.10.3 Study Methods

Natural resources studies often require field work, sometimes extended field work, in addition to background research. It is important to schedule studies during the appropriate season, and for the appropriate duration, to ensure that all the data of interest can actually be collected. For example, it is usually not possible to conduct vegetation studies in the dead of winter, nor to identify migrating birds outside of their migration season.

It is also important to ensure that properly qualified professionals conduct such studies, to ensure that the data are of the highest quality. For example, a wildflower expert would not be suitable for identifying tree and shrub species, and a hard-rock geologist would probably not be helpful in pinpointing soil engineering issues of concern.

9.10.4 Study Results

Natural resource studies result in reports, often with maps, photographs, computer disks or other output. Reports typically contain a description of purposes and objectives, methodology, times and locations of background and field research, findings, and recommendations for GSA actions to avoid or minimize environmental impact.

9.11 ENDANGERED SPECIES SURVEYS

9.11.1 Legal Requirements

The Endangered Species Act of 1973 requires GSA to "seek to conserve" endangered species and threatened species, including their critical habitats. It is one of the Acts specifically referenced in the NEPA regulations (40 CFR 1502.25), and GSA's completion of the Act's study and consultation requirements must be integrated "to

the fullest extent possible” with the NEPA process.

An “endangered species” is any species which is in danger of extinction throughout all or a significant portion of its range, other than an officially designated insect pest.

A “threatened species” is any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

“Critical habitat” means:

- (1) the specific areas within the geographical area occupied by the species on which are found those physical or biological features that are both essential to the conservation of the species and may require special management considerations or protection, and
- (2) specific areas outside the geographical area occupied by the species, if the Secretary of the Interior determines such areas are essential for species conservation.

Section 7 of the Endangered Species Act requires GSA to engage in interagency coordination and consultation on any action that is likely to jeopardize the continued existence of an endangered or threatened species or its critical habitat. Compliance with Section 7 usually is carried out in conjunction with the NEPA process, and the results are documented in any EA or EIS for the project.

The Endangered Species Act applies to Federally listed species and to those “candidate” species that have been recommended for listing, but because of staff and funding constraints have not yet been officially listed. In addition, many species found on lists maintained by some Federal land-managing agencies (“indicator species”) as well as by some States and conservation groups that believe them to be

potentially subject to the Act, should be considered during GSA planning, but the specific legal requirements vary.

GSA should make every effort to identify these species, along with any other species of interest locally (such as large or small game species) during wildlife studies for NEPA compliance.

Regulations implementing Section 7 (50 CFR 402) prescribe specific data requirements, timetables, and consultation requirements for GSA actions.

9.11.2 Data Requirements

GSA must identify any endangered or threatened species or critical habitat in the area of a proposed project or alternatives, and engage in consultation with the U.S. Fish and Wildlife Service to determine whether any GSA proposed action or alternative is likely to “jeopardize” the continued existence of any identified species.

If, in the opinion of the U.S. Fish and Wildlife Service, the GSA proposal or alternative would jeopardize such existence, GSA must develop acceptable mitigation measures in consultation with the Service or obtain an “exemption” from the Secretary of the Interior.

9.11.3 Study Methods

GSA must obtain background information on whether any endangered, threatened, or candidate species in the vicinity of the proposed action are currently listed by the U.S. Fish and Wildlife Service. If any species are currently listed for the general or specific area(s) under consideration, or if no previous field surveys have been performed, GSA must obtain sufficient data to determine whether any species or any critical habitat actually exists in the area(s).

Study methods include observation, live trapping (for wildlife), transect sampling (for vegetation), photography, literature reviews, and interviews with experts.

9.11.4 Study Results

Studies performed as part of Section 7 compliance are called “Biological Assessments” (BAs). They contain information on listed and proposed species and designated and proposed critical habitats present in the action area (if any), and the potential effects of the action on such species and habitats. Although no specific contents or format are prescribed for a BA, they usually contain at least the following information:

- Results of field study or on-site inspection of the area affected by the action
- The views of recognized experts on the species at issue
- A review of the literature and other information
- An analysis of the effects of the action on the species and the habitat, including cumulative effects
- Results of any related studies
- Analysis of any alternative actions considered by GSA (including proposed mitigation)

GSA submits the BA for review by U.S. Fish and Wildlife Service, which then responds with a “Biological Opinion” (BO) as to whether the action is likely to “jeopardize” continued existence of the

species. If GSA receives a “jeopardy opinion” from the Service, it must engage in formal consultation under the Act to mitigate the circumstances causing the jeopardy. The results of this consultation must be documented in the EIS. Failure to resolve the jeopardy may prohibit implementation of the action.

9.12 OTHER STUDIES

The above are examples of common types of special studies conducted in connection with NEPA analysis, but many other kinds of studies may be necessary under specific circumstances. Traffic studies may be necessary where the action has the potential to impact traffic patterns significantly (e.g., at a border station). Detailed visual impact analyses may be necessary where an action is planned in visually sensitive location (e.g., a prominent hilltop near a park). Special consultations with Indian tribes may be necessary where impacts could occur on the practice of traditional religion (e.g., blocking access to a spiritual place). Special public involvement activities, (e.g., employing facilitators and mediators), may be necessary in controversial cases or where complex social issues are involved.

9.13 COORDINATING STUDIES

Special studies should not be performed in isolation from one another. Remember that NEPA requires interdisciplinary analyses, not merely multidisciplinary analyses. This means that the various disciplines, performing various studies, should interact with one another, share data, and cooperate in information-gathering and analysis. This coordination can result in significant cost efficiencies because the same data or analytic method may often be useful to more than one study.

9.14 FURTHER INFORMATION

GSA's National Office established NEPA Call-In to be GSA's information clearing-house and research service on issues related to compliance with the provisions of NEPA. NEPA Call-In researchers answer Technical Inquiries from GSA personnel in the National and Regional offices on technical and regulatory issues pertaining to NEPA compliance. NEPA Call-In has also developed an electronic Environmental Resource Library (ERL) accessible through the Internet. The ERL includes Federal environmental laws, regulations, Executive Orders, GSA Administrative Orders and Directives, environmental policy or guidance manuals, and sample NEPA documents. The NEPA Call-In ERL can be accessed through the GSA World Wide Web Home Page or found at:

<http://www.gsa.gov/pbs/pt/call-in/nepa.htm>

NEPA Call-In researchers can be reached via telephone at 202-208-6228; via facsimile at 202-219-7677; or via GSA cc:Mail at "Callin, NEPA."

CHAPTER 10 - CONTRACTING

10.1 INTRODUCTION

Contracting and other kinds of out-sourcing agreements provide ways to obtain data and services to supplement the in-house interdisciplinary analyses and document preparation required to carry out NEPA review.

This chapter provides guidance on legal requirements for out-sourcing NEPA compliance tasks and suggestions for developing Scopes of Work (SOWs) for special studies and document preparation.

10.2 REQUIREMENTS

The CEQ regulations require that:

...any Environmental Impact Statement prepared pursuant to the requirements of NEPA shall be prepared directly by or by a contractor selected by the lead agency or ... a cooperating agency. It is the intent of these regulations that the contractor be chosen solely by the lead agency, or by the lead agency in cooperation with cooperating agencies, or where appropriate by a cooperating agency to avoid any conflict of interest. Contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency, specifying that they have no financial or other interest in the outcome of the project. If the document is prepared by contract, the responsible Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents.

40 CFR 1506.5

10.3 TYPES OF CONTRACTS AND AGREEMENTS

10.3.1 Contracts

The Federal Acquisition Regulations, in general, and the GSA "Contract Specialist Workbook," in particular, provide guidance as to various contract types applicable to procuring NEPA-related services. The "Chart of Contract Types" contained in Unit 19, Appendix 3 of the GSA "Contract Specialist Workbook," is an especially useful breakdown of when and how to use 11 different contract types:

- *Firm Fixed Price:* used when all elements of a task are well-defined;
- *Indefinite Delivery (including Definite and Indefinite Quantity):* used when delivery requirements are not certain;
- *Fixed Price with Economic Price Adjustment:* used when market prices for labor and/or materials are likely to be unstable over the life of the contract;
- *Fixed Price Award Fee:* used when GSA wishes to provide an incentive award and evaluation standards exist;
- *Fixed Price Prospective Predeterminable:* used when the costs can be estimated reliably only during the first year of performance;
- *Fixed Price Incentive:* used when a proposed cost-sharing formula would motivate a contractor to control costs;
- *Cost Plus Fixed Fee:* used when risks and requirements are highly uncertain;

- *Cost Plus Incentive Fee*: used when risks and requirements are highly uncertain;
- *Cost Plus Award Fee*: used when risks and requirements are highly uncertain;
- *Cost, or Cost Sharing*: used when risks and requirements are highly uncertain; and
- *Time and Materials*: used when risks and requirements are highly uncertain;

Most GSA NEPA-related work is procured under Firm Fixed Price contracts, but this may not always be the most efficient kind of vehicle for the purpose. There are so many uncertainties about how a NEPA analysis may proceed, and so much potential for changing requirements, that it may be wise to explore Indefinite Delivery contracts, or one of the “Cost Plus” types listed above.

10.3.2 Agreements

Some GSA Regions have successfully used Interagency Agreements (IAs) to accomplish needed NEPA studies. For example, it is possible to obtain data on endangered species through agreement with the U.S. Fish and Wildlife Service, or on wetlands through the USACE.

IAs can also be used in more general ways. For example, an agency with a large environmental staff like the USACE can provide ongoing assistance to a GSA Regional Office in establishing SOWs and developing contracts for NEPA-related studies. In essence, such an agency, through an IA, provides GSA with the interdisciplinary team it needs to establish the scope of a NEPA analysis and obtain the expertise needed to carry it out.

For interagency NEPA analyses on which GSA is the lead under NEPA, cooperating

agencies may provide data within their area of jurisdiction by law or expertise as part of the agreement that defines the relationship of the cooperators.

10.4 SCOPES OF WORK (SOW)

Regardless of what “type” of contract you select, you must develop a SOW. SOWs are used in formal contracting, and informal and formal agreements to guide the development of data and deliverables. SOWs should be based on a Work Breakdown Structure (WBS), which relates directly to the nature of the data to be developed or the services to be provided.

Develop a SOW specifically for each project, and both you and the consultant should have a specific understanding of the nature of an acceptable deliverable before finalizing any contract or agreement.

10.4.1 SOWs for Special Studies

Special studies (see Chapter 9) require careful development of SOWs to ensure that you get exactly the kind of information you need to make environmentally sound decisions in a manner consistent with NEPA and other environmental authorities. Simply asking for data to be developed on a given environmental topic (“soils” or “cultural resources” or “environmental justice”) is not enough.

The consultant must know exactly what kind of information is needed as well as the uses to which the analyses will be put. This is especially true for studies that require extensive modeling (such as air quality) or varying levels of field work intensity (such as cultural resources). Just as important, you must know what to expect the consultant to produce. Special study SOWs sometimes use “code words” that only specialists understand. Be sure you understand what these words mean if you use

them in a SOW to avoid buying a “pig in a poke.”

GSA’s internal subject matter experts (or outside experts under an IA or Indefinite Delivery contract) should help you develop the SOW, and should participate in the project kick-off meeting with the consultant to ensure that all parties know what is required.

See Chapter 9 for a description of legal requirements for many of the kinds of special studies needed for GSA NEPA analyses. SOWs for these contracts should ensure that you will meet the legal requirements under other environmental laws, regulations, and EOs, in addition to providing data for NEPA-related decisions.

10.4.2 SOWs for NEPA Analyses and Documentation

NEPA analyses (e.g., weighing of alternatives) and the preparation of NEPA documentation (Checklist CATEXs, EAs, and EISs) can be done under contract, provided you do not transfer your decisionmaking authority to the contractor. Such analyses and document-drafting use the results of special studies conducted either by the same or different contractors, or in-house. GSA often awards ongoing contracts (called “Indefinite Delivery/Indefinite Quantity” or ID/IQ contracts) to one or more consultants in a Region to ensure that analyses are conducted and documentation is prepared in a consistent and timely way.

Although it is useful to have some “generic” language in such contracts, you should include specially created SOWs in each task order issued for each specific EA or EIS under the contract to ensure that you get the specific kinds and amounts of data needed for decisionmaking.

Detail the specific nature of the document(s) to be prepared. For some GSA projects, for example, you would require a Phase I (due diligence) Environmental Site Assessment in addition to a NEPA-related EA.

The consultant needs to be aware of the following variables:

- Is the consultant expected to complete in-house GSA forms and checklists?
- What status reports or other contract administration documents are called for?
- Is the project location predetermined by statute?
- What are the local environmental “hot buttons” that will require extra scrutiny?
- Will the consultant be responsible for conducting the entire NEPA process (scoping, holding public meetings, conducting special studies, responding to comments, etc.) or only for compiling the results of other NEPA process actions?
- What standards will you and the consultant use to evaluate the resulting products?
- How will the contractor relate to GSA’s decisionmaking process?
- How will you and the contractor interact throughout the project?
- Who will be the point(s) of contact?
- How will ongoing coordination be maintained?

10.5 ROLE OF THE CONTRACTING OFFICER, SUBJECT MATTER EXPERT, AND PROJECT MANAGER

The GSA Contracting Officer is responsible for all phases of procurement, from initial distribution of the Request for Proposals to approving the final payment for NEPA services.

However, the subject matter expert (SME) is crucial to the success of the procurement, as this person must develop the SOW, the specific evaluation criteria, and review the deliverables along with the project manager at each stage of the NEPA process.

The project manager, here used in the sense of the Contracting Officer's Representative, is the officially designated person who, with the appropriate SMEs, evaluates the various contract deliverables and recommends payments and other specific actions to the Contracting Officer.

CHAPTER 11 - TECHNICAL REVIEWS

11.1 PURPOSE

Technical reviews help you to maintain the necessary quality and accuracy of data and analyses as you carry out NEPA requirements. Internal technical reviews are always required, and external technical reviews are mandatory on more complex NEPA analyses and documentation.

This chapter describes the nature of technical reviews, the major types of internal and external reviewers (e.g., agencies with jurisdiction by law or expertise, GSA officials, and the public), and the mechanisms for obtaining reviews. This chapter also describes both reviews *of* GSA NEPA documents and reviews *by* GSA of other agency-NEPA documents.

See Chapter 7 for discussion of formal public reviews of GSA NEPA documents that principally occur during the circulation of a DEIS.

11.2 DEFINITIONS AND REQUIREMENTS

The CEQ regulations at 40 CFR 1503.2 and at 40 CFR 1503.3 require that:

Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved and agencies which are authorized to develop and enforce environmental standards shall comment on statements within their jurisdiction, expertise, or authority. Agencies shall comment within the time period specified for comment...

40 CFR 1503.2

- (a) Comments on an Environmental Impact Statement or on a proposed action shall be as specific as possible and may ad-

dress either the adequacy of the statement or the merits of the alternatives discussed or both.

- (b) When a commenting agency criticizes a lead agency's predictive methodology, the commenting agency should describe the alternative methodology which it prefers and why.
- (c) A cooperating agency shall specify in its comment whether it needs additional information to fulfill other applicable environmental reviews or consultation requirements and what information it needs. In particular, it shall specify any additional information it needs to comment adequately on the draft statement's analysis of significant site-specific effects associated with the granting or approving by that cooperating agency of necessary Federal permits, licenses, or entitlements.
- (d) When a cooperating agency with jurisdiction by law objects to or expresses reservations about the proposal on grounds of environmental impacts, the agency expressing the objection or reservation shall specify the mitigation measures it considers necessary to allow the agency to grant or approve the applicable permit, license, or related requirements or concurrences.

40 CFR 1503.3

The standard for technical adequacy of a GSA NEPA document is as follows:

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in Environmental Impact Statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and

other sources relied upon for conclusion in the statement.

40 CFR 1502.24

The standard for environmental writing is:

Environmental Impact Statements shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can readily understand them. Agencies should employ writers of clear prose or editors to write, review, or edit statements, which will be based upon the analysis and supporting data from the natural and social sciences and the environmental design arts.

40 CFR 1502.8

11.3 TECHNICAL REVIEWS OF GSA NEPA DOCUMENTS

11.3.1 Internal Reviews

11.3.1.1 Reviews of GSA Documents

Internal reviews ensure that the documents meet all CEQ and GSA format and content requirements, and that the descriptions of the proposed action, alternatives, affected environment and environmental consequences are accurate and complete.

To ensure accuracy, reviews should involve the principal author(s) of the document and those who provided major data and analyses. To the fullest extent possible, reviews should be concurrent and face-to-face rather than sequential; i.e., hold a review meeting to receive and discuss review comments, and draft corrections and revisions on the spot.

Internal reviews of CATEX Checklists are carried out by program staff and the NCE. Occasionally, other GSA specialists will have to be consulted.

Internal reviews of GSA EAs and EISs are conducted by the Project Manager or other

program staff, the NCE, and the Assistant Regional Administrator, prior to submitting them to the Regional Administrator for signature.

11.3.1.2 Review of Contractor Documents

GSA is responsible for the adequacy and accuracy of environmental reports produced by contractors as support to the NEPA process (see 40 CFR 1506.5). Therefore, technical reviews should be conducted of contractor reports in the same fashion as reports produced in-house.

11.3.2 External Reviews

11.3.2.1 Agency Reviews

External agency reviews of GSA NEPA documents are conducted by agencies with jurisdiction by law or expertise, such as the State Historic Preservation Officer and Advisory Council on Historic Preservation, the U.S. Fish and Wildlife Service, the Environmental Protection Agency, and the U.S. Army Corps of Engineers. See Chapter 1 of this Desk Guide for a list of Federal laws that may require some review and/or consultation, and Chapter 7 for a list of agencies with jurisdiction by law or expertise to whom copies of documents should be sent for review and comment. The complete list of agencies with jurisdiction by law or expertise is included in the **Appendix 4** to this Desk Guide.

Consult with reviewing agencies early during analysis and preparation of NEPA documents, in accordance with their own applicable regulations or other guidance, so that their review comments do not constitute potentially costly and time-consuming surprises.

Wherever possible, try to make sure that external review of NEPA documents is coordinated with whatever reviews are re-

quired under other laws and regulations. For example, you should not just send an EA or EIS to the Advisory Council on Historic Preservation or the State Historic Preservation Officer for comment. Instead, you should send it in support of a GSA determination about effects on historic properties, done in accordance with the Advisory Council's regulations implementing Section 106 of the NHPA. This kind of coordination will allow the review agencies to use and respond to the EA or EIS in ways that are familiar to them, and will help GSA satisfy not only NEPA but the review agency's specific regulatory requirements as well.

Encourage reviewing agencies to fulfill the CEQ requirements cited above—that is, they should be as specific as possible and provide alternative methodologies when they criticize how you have predicted the character and magnitude of an effect.

11.3.2.2 Public Reviews

Formal public reviews of GSA NEPA documents principally occur during the circulation of a DEIS, though as discussed in Chapter 4, public involvement is appropriate throughout the NEPA process.

The public cannot be held to the commenting standards set forth in the CEQ regulations, but you can request comments with regard to particular topics, and ask that such comments be as specific as possible. For example, you can request detailed information on site-specific impacts or mitigation measures instead of asking only for general opinions about your project.

11.4 TECHNICAL REVIEWS OF OTHER AGENCY DOCUMENTS BY GSA

When GSA conducts technical review of other agency documents, either as a cooperating agency or as an agency with juris-

diction by law or expertise, the reviewers should follow the CEQ guidance above. See **Exhibit 11-1** for a sample format for technical review comments.

Exhibit 11-1: Format for Technical Reviews

Sample Technical Review Letter

TO: (Name and Address of Agency)

DATE:

FROM: (Name, title, and signature of GSA reviewing official)

The General Services Administration Office of _____ has reviewed the following document prepared under the authority of the National Environmental Policy Act, in accordance with the requirements of 40 CFR 1503:

Insert name and identification number of document

Based on this review, our comments are as follows (see attached):

☐

No comment.

☐

Comments on:

___ Adequacy of the document

___ Merits of the alternatives

___ Methodology

☐

Additional information needed:

☐

Objections or reservations:

___ Recommended mitigation measures

☐

Other comments:

Glossary

ABA	Architectural Barriers Act
A/E	Architect/engineer; usually a contractor. <u>GSA</u>
Administrator	Heads GSA. <u>GSA</u>
Advisory Council on Historic Preservation	The ACHP is responsible, pursuant to section 106 of the National Historic Preservation Act, for reviewing and commenting on Federal agency undertakings that may affect any historic district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. <u>P</u>
AQMD	Air Quality Management Districts
AFC	American Folklore Center
AILS	Alterations in leased space; is an R&A project in leased space. <u>GSA</u>
AIRFA	American Indian Religious Freedom Act
APE	Area of potential effect of an undertaking under the National Historic Preservation Act. <u>GSA</u>
ARA	Assistant Regional Administrator; heads services at regional level (GSA, FSS, ITS). <u>GSA</u>
ARPA	Archeological Resources Protection Act
Asbestiform	A specific type of mineral fibrosity in which the fibers and fibrils possess high tensile strength and flexibility. <u>A</u>
Asbestos	The asbestiform varieties of: chrysolite (serpentine); crocidolite (riebeckite) amosite (cummingtonite-grunerite); anthophyllite; temolite; and actinolite. <u>A</u>
AST	Above-ground Storage Tank. <u>EnvA</u>
ASTM	American Society for Testing and Materials
BER	Building Engineering/Evaluation Report. Analysis/summary of the condition of (usually government owned) building systems (electrical, mechanical, etc.), general condition of space (functional characteristics), and other environmental concerns (asbestos, LBP, PCB, etc.). <u>GSA</u>
BOD	Biological Oxygen Demand
BTEX	Benzene-Toluene-Xylene. <u>EnvA</u>

Clean Air Act	CAA 42 U.S.C § 7401 <i>et seq.</i> <u>U</u>
CAAA	Clean Air Act Amendments. <u>EnvA</u>
CATEX	Categorical Exclusion. A category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of NEPA regulations (40 CFR 1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. An agency may decide in its procedures or otherwise, to prepare environmental assessments for the reasons stated in 40 CFR 1508.9 even though it is not required to do so. Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect. <u>A</u>
CEQ	Council on Environmental Quality. <u>EnvA</u>
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act (Superfund). <u>EnvA</u>
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System. This database includes all sites nominated for EPA investigation by the Superfund program. <u>EnvA</u>
CFCs	Chlorofluorocarbons. <u>EnvA</u>
CFR	Code of Federal Regulations
Commissioners	Head GSA Services (GSA, FSS, ITS) at headquarters level. <u>GSA</u>
Community Plan	Internal document produced by Portfolio Management, detailing tenant space trends and requirements, potential space actions, and market trends in GSA sub-regional communities. <u>GSA</u>
Construction activities	Includes construction of facilities, grading, filling, land-clearing, placement of utility lines and/or structures, future planned expansion, placement of roadways, drive ways, and parking lots, and placement of retention/detention basins. <u>P</u>
critical wetland	A wetland whose value is such that the Army Corps of Engineers will not issue a Section 404 permit. <u>P</u>

cultural resource	Any resource having cultural value, such as a community's traditional forms of land use, social institutions, world view, and religious practices, as well as historic places, records, and artifacts.
CWA	Clean Water Act. (Formerly referred as to the Federal Water Pollution Control Act.) <u>EnvA</u>
CZMA	Coastal Zone Management Act. <u>EnvA</u>
DEIS	Draft Environmental Impact Statement
EA	Environmental Assessment (1) A written environmental analysis which is prepared pursuant to the National Environmental Policy Act to determine whether a Federal action would significantly affect the environment and thus require preparation of a more detailed environmental impact statement. <u>N</u> (2) A concise public document for which a Federal agency is responsible that serves to (a) briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact; (b) aid an agency's compliance with the Act when no environmental impact statement is necessary; and (c) facilitate preparation of a statement when one is necessary. (3) Shall include brief discussions of the need for the proposal, of alternatives as required by § 102(2)(E) of NEPA, of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted. <u>A</u>
EIS	Environmental Impact Statement. A document required of Federal agencies by the National Environmental Policy Act for major projects or legislative proposals significantly affecting the environment. A tool for decisionmaking, it describes the positive and negative effects of the undertaking and lists alternative actions. <u>N</u>
Environmental contamination	See definition for hazardous/toxic waste.
Environmental Due Diligence Audit (EDDA) or Phase I Site Assessment	An investigation to determine the likelihood of environmental contamination at a property to be purchased, leased, sold or otherwise transferred. The EDDA consists of a site visit, an investigation of past uses and owners of the property, and a regulatory file search for environmental compliance violations. No environmental sampling is performed.
Environmental Due	The site visit includes interviews with employees and tenants and, if

Diligence Audit (EDDA) or Phase I Site Assessment (continued)	<p>possible, a visual inspection of the entire property for potential environmental contaminants, and a review of on-site documents concerning the occupants' hazardous materials handling practices, including any permits.</p> <p>Historical research is conducted to determine past uses of the subject property and adjacent property, including interviews with tenants and/or past property owners, a review of historical aerial photographs and Sanborn insurance maps, and a review of local building department records regarding past occupants and review of the chain of title. The regulatory file search includes a review of government agency lists, identifying properties within a 1/4 mile radius of the subject site where there has been a known or suspected release of hazardous materials and/or hazardous waste and contacts with Federal, State, and local environmental agencies regarding use, storage and/or release of hazardous materials from the subject site and neighboring properties. <u>[GSA internal document regarding Internal Site Acquisition Guidance.]</u></p>
Environmental Site Assessment	A systematic program for conducting investigations of real property transfers. The purpose of the environmental site assessment is to help minimize environmental-related liabilities associated with such transfers. <u>R</u>
environmentally preferred alternative	The alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves and enhances historic, cultural, and natural resources. <u>Q</u>
EPCRA	Emergency Planning & Community Right-to-Know Act. Also known as Title III of SARA. <u>EnvA</u>
ERNS	Emergency Response Notification System
ESA	Endangered Species Act; Environmental Site Assessment; Environmentally Sensitive Area. <u>EnvA</u>
Executive Order	Direction from the President of the United States that has the force of law. <u>GSA</u>
FACA	Federal Advisory Committee Act
FEMA	Federal Emergency Management Agency
FIFRA	Federal Insecticide, Fungicide & Rodenticide Act. <u>EnvA</u>
FIRM	Flood Insurance Rate Map

Floodplain	The lowland and relatively flat areas adjoining inland and coastal waters and other floodprone areas such as offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year. The base floodplain shall be used to designate the 100-year floodplain (1 percent chance floodplain). The critical action floodplain is defined as the 500-year flood plain (0.2 percent chance floodplain). <u>A</u>
Floodproofing	The design or modification of individual structures and facilities, their sites, or their contents to protect against structural failure, to keep water out, or to reduce effects of water entry. <u>P</u>
Floodway	The channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment in order that the 100-year flood can be carried without substantial increases in flood heights. <u>P</u>
Floodway Fringe	That area located between the floodway and the 100-year flood boundaries. <u>P</u>
FONSI	Finding of No Significant Impacts. <u>N</u>
FPO	Federal Preservation Officer
FRA	Federal Records Act
Friable asbestos material	Any material containing more than 1 percent asbestos as determined by using the method specified in Appendix A, Subpart F, 40 CFR Part 763 Section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. <u>A</u>
FWPCA	Federal Water Pollution Control Act (formerly), now Clean Water Act. <u>EnvA</u>
GIS	Geographical Information System
Gross Square Feet	The sum of all floor and building areas within the outside surface of exterior walls and one-half of any unenclosed platform areas. <u>P</u>
GSA	General Services Administration
HVAC	Heating, Ventilation, and Air Conditioning (system)

hazardous material	A material which has one or more of the following characteristics: (1) a flash point below 140° F, closed cup, or is subject to spontaneous heating; (2) a threshold limit value below 500 ppm for gases and vapors, below 500 mg/m ³ for fumes, and below 25 mppcf (million particles per cubic foot) for dusts; (3) a single dose oral LD ₅₀ below 50 mg/kg; (4) subject to polymerization with the release of large amounts of energy; (5) a strong oxidizing or reducing agent; (6) causes first degree burns to skin [from a] short time exposure, or is systemically toxic by skin contact; or (7) In the course of normal operations, may produce dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics. <u>N</u>
hazardous waste	<p>(1) A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may (A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (B) poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. <u>I</u></p> <p>(2) Any waste or combination of wastes which pose a substantial present or potential hazard to human health or living organisms because such wastes are nondegradable or persistent in nature or because they can be biologically magnified, or because they can be lethal, or because they may otherwise cause or tend to cause detrimental cumulative effects; also a waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form which may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, its potential for accumulation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other organisms. <u>A</u> [ed. Hazardous wastes will be those listed by EPA or meeting characteristics specified by EPA in their criteria pursuant to the Resource Conservation Recovery Act (RCRA)]</p>
HBPP	Historic Building Preservation Plan. <u>GSA</u>
HSR	Historic Structure Report
HSWA	Hazard & Solid Waste Amendments. <u>EnvA</u>
Hydric soils	Soil or substrate that is at least periodically saturated with or covered by water. <u>P</u>
IA	Interagency Agreements

ID/IQ	Indefinite Delivery/Indefinite Quality
ISCST	Industrial Source Complex Short Term (model)
IWG	Interagency working group
lead based paint	Any paint, varnish, shellac, or other coating that contains lead greater than or equal to 1.0 mg/cm ² , or 0.5 percent by weight (5,000 µg/g, 5,000 mg/kg) as measured by laboratory analysis (local definitions may vary). In 1978, the Consumer Products Safety Act banned the use of paint containing more than 0.6 percent lead by weight on interior and exterior residential surfaces, toys, and furniture.
Lease Award	The date of signing/award of a lease. NEPA and most NHPA actions must be concluded prior to this date. <u>GSA</u>
long-term impacts	Impacts that occur during or after an action and may take the form of delayed changes or changes resulting from the cumulative effects of many individual actions. <u>P</u>
LUST	Leaking underground storage tank. <u>U</u>
Mitigated FONSI	A document of common practice in GSA. Strictly speaking, no such thing exists under NEPA. Practically speaking, GSA reaches a "mitigated FONSI" when any impacts resulting from the proposed action are mitigated below a threshold of significance, such that a Finding of No Significant Impact can be sustained. <u>GSA</u>
mitigation	(1) Avoiding the impact altogether by not taking a certain action or parts of an action. (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation. (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment. (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action. (5) Compensating for the impact by replacing or providing substitute resources or environments. <u>A</u>
NAAQS	National Ambient Air Quality Standards. <u>EnvA</u>
NAGPRA	Native American Graves Protection & Repatriation Act
NARA	National Archives and Records Administration
National Register of Historic Places	A listing, maintained by the National Park Service, which identifies historic, architectural, and archeological resources of the United States. <u>P</u>

NCE	NEPA Centers of Expertise
NEPA	National Environmental Policy Act. <u>EnvA</u>
NESHAP	National Emissions Standards for Hazardous Air Pollutants. Emissions standards set by EPA for an air pollutant not covered by NAAQS (National Ambient Air Quality Standard) that may cause an increase in deaths or in serious irreversible, or incapacitating illness. <u>N</u>
NHPA	National Historic Preservation Act. <u>EnvA</u>
non-attainment area	For any air pollutant, an area that is shown by monitored data or that is calculated by air quality modeling (or other methods determined by the Administrator to be reliable) to exceed any national ambient air quality standard for such pollutant. <u>A</u>
Notice of Availability (NOA)	A notice in the Federal Register that a draft environmental impact statement is available for comment. <u>GSA</u>
Notice of Intent (NOI)	The written announcement to Federal, State and local agencies and to interested persons, that a draft environmental impact statement will be prepared. The notice shall briefly describe the action, its location, and the issues involved. The purpose of a notice of intent is to involve other government agencies and interested persons as early as possible in the planning and evaluation of actions which may have significant environmental impacts. This notice shall encourage public input in the preparation of a draft EIS and assure that environmental values will be identified and weighed from the outset, rather than accommodated by adjustments at the end of the decisionmaking process. <u>A</u>
NPDES	National Pollution Discharge Elimination System. <u>EnvA</u>
NPL	National Priority List
NPS	National Park Service
NRHP	National Register of Historic Places
OGC	Office of General Counsel
OMB	Office of Management & Budget. <u>EnvA</u>
Office of Business Performance (PX)	Responsible for developing and implementing a performance management program. PX Divisions are: Program Development, Business Analysis, Operations Support, and Special Programs. <u>OHR</u>
Office of Portfolio	Responsible for improving asset performance and maximizing the

Management (PT)	value of PBS's portfolio of owned and leased assets. <u>OHR</u>
Office of Property Acquisition and Realty Services (PARS)	GSA operational business line primarily responsible for leasing actions. <u>GSA</u>
Office of Property Development	GSA operational business line responsible for major R&A and new construction projects. <u>GSA</u>
PBCUA	Public Buildings Cooperative Use Act
PBS	Public Building Service
PCBs	Any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contains such substance. Refer to [40 CFR] § 761.1 (b) for applicable concentrations of PCBs. PCB and PCBs as contained in PCB items are defined in [40 CFR] § 761.3. Inadvertently generated non-Aroclor PCBs calculated following division of the quantity of monochlorinated biphenyls by 50 and dichlorinated biphenyls by 5. <u>A</u>
PEIS	Programmatic Environmental Impact Statement
Phase II Site Assessment	<p>A Phase II site assessment is performed when the EDDA indicates the likelihood that a site is contaminated. However, if the EDDA for the top three sites shows that the top-rated site is not contaminated, then a Phase II for the other two sites need not be performed and the negotiations for the top site may begin.</p> <p>The Phase II site assessment generally includes sampling of potentially contaminated areas to ascertain the extent of the contamination. In addition, a Phase II site assessment might include an asbestos survey based on the age of the building, or an examination for lead paint depending on the intended use of the building. [<u>GSA</u> internal document regarding Internal Site Acquisition Guidance.]</p>
Phase III Site Assessment	A Phase III site assessment is a comprehensive study to quantify the extent of contamination at a property and is only performed if the presence of hazardous contamination is identified during the Phase II assessment. The Phase III site assessment consists of a remedial investigation to characterize and quantify the nature and extent of contamination at the property, a risk assessment to quantify the potential human health and environmental risks posed by the property, and a feasibility study to identify the appropriate remedy for the property and the time to complete such remedy. <u>R</u>

preferred alternative	The alternative that GSA prefers, if such an alternative exists. The preferred alternative may not be the environmentally preferable alternative; overall preferability may be based on business needs, agency mission requirements, legislative or executive direction, and other factors.
prime/unique farmland	(1) Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides and labor, and without intolerable soil erosion. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage. (2) Unique farmland is land other than prime farmland that is used for production of specific high-value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits and vegetables. (3) Farmland, other than prime or unique farmland that is of Statewide or local importance for the production of food, feed, fiber, forage, or oilseed crops. <u>P</u>
Property Disposal Business Line	Operational GSA business line responsible for disposing of excess real and personal property for GSA and other Federal agencies. <u>GSA</u>
Property Management Business Line	GSA operational business line responsible for all property/buildings management in government-owned space and in certain types of leased space. <u>GSA</u>
prospectus	Document that contains project description, implementation schedule and strategy, and project budget for "major" construction R&A and lease projects. Requires CO, OMB and Congressional approval. <u>GSA</u>
PRPs	Potentially responsible parties. Any individual or company—including owners, operators, transports or generators—potentially responsible for, or contributing to, the contamination problems at a Superfund site. Whenever possible, EPA requires PRPs through administrative and legal actions, to clean up hazardous waste sites they have contaminated. <u>N</u>
PSD	Prevention of significant deterioration
PT	GSA PBS Office of Portfolio Management
PX	Office of Business Performance

PXSC	Office of Business Performance Cultural, Environmental and Accessibility Programs
R&A	Repair and alteration project (prospectus-level major, minor) to existing government-owned (owned) buildings. <u>GSA</u>
RA	Regional Administrator; heads GSA at regional level. <u>GSA</u>
radon	A colorless naturally occurring, radioactive, inert gaseous element formed by radioactive decay of radium atoms in soil or rocks. <u>N</u>
RCRA	Resource Conservation & Recovery Act. <u>EnvA</u>
RCRIS	RCRA Information System. <u>EnvA</u>
reasonable alternatives	40 CFR 1502.14(a) requires agencies to "evaluate all reasonable alternatives." In determining the scope of alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether GSA likes or is capable of carrying out a particular alternative. Reasonable alternatives include those that are <u>practical or feasible</u> from the technical and economic standpoint and using common sense, rather than simply <u>desirable</u> from the standpoint of the applicant. <u>Q</u>
RHPO	Regional Historic Preservation Officer. <u>GSA</u>
RO	Regional Office
ROD	Record of Decision. <u>EnvA</u>
RTDM	Rough Terrain Diffusion Model
SARA	Superfund Amendments & Reauthorization Act. <u>EnvA</u>
SDWA	Safe Drinking Water Act. <u>EnvA</u>
SEIS	Supplemental Environmental Impact Statement
SFO	Solicitation for Offers; introduces GSA leasing or other space procurement action into the marketplace. <u>GSA</u>
short-term impacts	Temporary changes occurring during or immediately following an action and usually persist for a short while. <u>P</u>
SHPO	State Historic Preservation Office(r). <u>GSA</u>
SIA	Social impact assessment: an assessment of a project's impacts on the sociocultural environment, including but not limited to socioeconomic, demographic, and lifestyle impacts.

significantly	"Significantly" as used in NEPA requires considerations of both context and intensity: (a) <i>Context</i> —This means that the significance of an action must be analyzed in several contexts, such as society as a whole (human, national), the affected region, the affected interests and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant. (b) <i>Intensity</i> —This refers to the severity of impact. 40 CFR §1508.27
SIP	State Implementation Plan developed and administered under the Clean Air Act.
SME	Subject Matter Expert
SOP	Scope of Work
SVOC	Semi-Volatile Organic Compounds. EnvA
SWDA	Solid Waste Disposal Act. EnvA
TSCA	Toxic Substances Control Act. EnvA
TSDf	Treatment, Storage, and Disposal Facility
USGS	United States Geological Survey
USACE	U.S. Army Corps of Engineers
UST	Underground Storage Tank. Any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. Such term <i>does not</i> include any: (A) farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes; (B) tank used for storing heating oil for consumptive use on the premises where stored; (C) septic tank; (D) pipeline facility (including gathering lines) regulated under (i) the Natural Gas Pipeline Safety Act of 1968, (49 U.S.C.App. 1671, et seq.) (ii) the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C.App. 2001, et seq.) or (iii) which is an intrastate pipeline

UST (continued)	<p>facility regulated under state laws comparable to the provisions of law referred to in clause (i) or (ii) of this subparagraph;</p> <p>(E) surface impoundment, pit, pond or lagoon;</p> <p>(F) storm water or waste water collection system;</p> <p>(G) flow-through process tank;</p> <p>(H) liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or</p> <p>(I) storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.</p> <p>The term "underground storage tank" shall not include any pipes connected to any tank described in subparagraphs (A) through (I). <u>I</u></p>
VOC	<p>Volatile Organic Compounds. (1) Any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element that has a vapor pressure of 1.5 pounds per square inch absolute (77.6mm Hg) or greater under actual storage conditions. <u>A</u> (2) Any organic compounds that participate in atmospheric photochemical reactions or that are measured by Method 18, 24, 25 or 25A or an equivalent or alternative method as defined in 40 CFR § 60.2 <u>A</u> (3) Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. <u>A</u></p>
WBS	Work Breakdown Structure
wetland	<p>Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds. <u>A</u></p>

Sources:

<u>A</u>	Code of Federal Regulations, Title 40, Protection of Environment
<u>I</u>	Resource Conservation and Recovery Act
<u>N</u>	Official U.S. Environmental Protection Agency Documents
<u>U</u>	Unpublished EPA Documents

Definitions for sources A, I, N and U were taken from *Environmental Regulatory Glossary*, 6th ed., by Thomas F. P. Sullivan, Government Institutes, Inc., 1993.

EnvA *Environmental Acronyms*, edited by Julie Hong, Government Institutes, Inc. 1995.

GSA Environmental Quality Action Group of the GSA, 1996.

P U.S. Postal Service Facilities Environmental Handbook, RE-6, January 1991.

Q *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, by the Council on Environmental Quality, March 1981.

R *Environmental Due Diligence Audits in the Conduct of FAA Real Property Transactions*, Order 1050.19, U.S. Department of Transportation, Federal Aviation Administration, August, 1994.

Pertinent Regulations and Orders

40 CFR 1500 - 1508

ADM 1095.1F

P1095.4C

PBS P 4001.1

ADM 1095.1F

(Date)

GSA ORDER

SUBJECT: Environmental considerations in decisionmaking

1. Purpose. This order establishes policy and assigns responsibility for implementing the National Environmental Policy Act (NEPA), its implementing regulations, and related laws, executive orders, and regulations in the decisionmaking processes of the General Services Administration (GSA).

2. Cancellation. ADM 1095.1E, dated December 8, 1995, is canceled.

3. Background. The National Environmental Policy Act (NEPA) and the Government wide implementing regulations of the Council on Environmental Quality (40 CFR 1500-1508, hereinafter, the CEQ regulations) require that each Federal agency consider the impact of its actions on the human environment, and prescribes procedures to be followed in doing so. Other laws, executive orders, and regulations provide related direction. Each Federal agency is required to implement internal procedures to ensure that the requirements of NEPA are met. Existing orders are out of date and do not provide for current requirements.

4. Nature of revision. This revision reflects a thorough internal review of GSA's systems for implementing NEPA. It replaces an interim order, ADM 1095.1E, which was adopted to govern GSA's compliance with NEPA while this review took place. This revised order is issued in coordination with PBS 1095.4C and an explanatory desk guide to NEPA review, which together provide GSA with an efficient, up-to-date NEPA compliance system that is consistent with principles of accountability, flexibility, and environmental responsibility.

5. Policy: In all its decisionmaking, GSA will attend carefully to the National Environmental Policy set forth in Section 101 of NEPA. To the maximum extent practicable, GSA will ensure that its actions protect and where possible improve the quality of the human environment, including the built and sociocultural environments of the nation's urban areas. GSA decisionmakers will use the NEPA review process prescribed in the CEQ regulations as a practical planning tool, and integrate both the NEPA review process and the Section 101 National Environmental Policy into decisionmaking in an efficient, cost-effective manner. The NEPA review process will be initiated at the earliest possible stage in planning any GSA action, and will be carried forward in coordination with other planning activities. Decisionmakers will ensure that they have reviewed and fully understand the environmental impacts of each decision, before making any such decision. All managers responsible for decisionmaking on GSA actions will be accountable for being knowledgeable about, and attendant to, the requirements of NEPA and the National Environmental Policy that these requirements are designed to advance.

6. Responsibilities

6.a. Commissioner, Public Buildings Service (PBS). The Commissioner acts for the Administrator, GSA, on matters relating to NEPA implementation, and oversees implementation of this order. PBS orders and related direction governs GSA compliance with NEPA and related legal authorities.

6.b. Assistant Commissioner, Office of Business Performance (PX)

6.b.(1) Is the principal GSA advisor on NEPA-related requirements, including but not limited to compliance with NEPA and the coordination of NEPA compliance with the requirements of the laws and regulations listed in Appendix 1 of the NEPA Desk Guide.

6.b.(2) Provides expert advice on NEPA-related matters to GSA Heads of Services, Business Lines, and Regional Administrators.

6.b.(3) Provides intra-agency and interagency liaison and coordination on NEPA-related matters on a national basis.

6.b.(4) Provides and periodically updates GSA program guidance, after consultation with the General Counsel, Heads of Services, Business Lines, and Regional Administrators.

6.b.(5) Provides education and training within GSA pertinent to implementation of NEPA and related authorities.

6.b.(6) Coordinates with the Office of Business Performance's (PX) Environmental Executive regarding areas of shared or related responsibility, in maintaining a record of GSA's environmental activities, and in advancing the national environmental policy articulated in NEPA and other statutes and executive orders.

6.b.(7) Serves as GSA representative in coordination with outside groups at the national level regarding NEPA-related matters.

6.c. Regional Administrators.

6.c.(1) Are accountable for execution of GSA's responsibilities under NEPA and related authorities with respect to actions under their jurisdiction.

6.c.(2) Serve as the responsible agency official under CEQ regulations with respect to the environmental effects of actions under their jurisdiction.

6.c.(3) Maintain NEPA Centers of Expertise (NCE) within their staffs, augmented as necessary through interagency agreements and contracts, to ensure regional interdisciplinary competence in environmental matters. To promote nationwide consistency, the NCE should reside in Portfolio Management (PT), although each business line should maintain its own environmental expertise for project development and execution.

6.c.(4) In consultation with PT, ensure that all regional staff with responsibility for planning, approving, and implementing construction, repair, alteration, site and facility acquisition, real property management, maintenance, and real property disposal receive appropriate training in how to carry out GSA's responsibilities under NEPA and related authorities.

6.d. GSA Environmental Executive

6.d.(1) Serves as GSA's Environmental Executive under Executive Order 12873.

6.d.(2) Coordinates with PT Liaison to ensure agency-wide consistency in areas of shared or related responsibility, and in advancing the national environmental policy articulated in NEPA and other statutes and executive orders.

6.e. Heads of Services and Business Lines

6.e.(1) Serve as the responsible agency officials under CEQ regulations for actions subject to their approval.

6.e.(2) Ensure accountability for implementation of the policy set forth in this order.

6.e.(3) In consultation with PT, ensure that staff responsible for supporting the functions of the responsible agency official under CEQ and related authorities receive appropriate training in how to carry out GSA's responsibilities.

6.f. The Office of General Counsel

6.f.(1) Is responsible for legal interpretation of NEPA and related authorities, and represents GSA in litigation under such authorities.

6.f.(2) Advises PT during the development and delivery of guidance and training.

7. Administrative Guidance

7.a. Central Office, Office of Business Performance (PX) is the Agency center of expertise for NEPA and, as such, has overall program responsibility for establishing procedures, training, and professional standards, and for maintaining interagency administrative responsibilities and relationships. These functions will be carried out at the working level by a professional NEPA Liaison staff.

7.b. Heads of Services and Business Lines will assist and cooperate with PT in the development and delivery of training, as well as procedural and program guidance, and act as coordinators for program needs of the Services and Business lines on a national basis.

7.c. Regional Business Lines have responsibility for ensuring that NEPA compliance responsibilities are satisfied, and the policy articulated in paragraph 5 of this order is followed, with respect to their programs and projects. In consultation with the Regional NCE, the Business

Lines will utilize interdisciplinary professional expertise in their implementation of NEPA responsibilities.

8. Implementation of NEPA and related authorities

8.a. In accordance with applicable regulations and standards, and with program guidance provided by PT, the responsible agency official shall:

8.a.(1) Ensure that the applicable requirements of NEPA and related authorities are met in a timely manner during planning for any GSA action, in a manner consistent with the policy articulated in paragraph 5 of this order.

8.a.(2) Ensure that mitigation measures established through review of actions under NEPA and related authorities are carried out as part of implementing the actions.

8.a.(3) Ensure that the means by which GSA has met its responsibilities, and the costs involved in doing so, are fully documented.

8.b. The procedures set forth in PBS Order P 1095.4C shall be followed in implementing NEPA and related authorities.

9. Effective Date. Every effort shall be made to implement the provisions of this order immediately.

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

1. Purpose. This order provides direction for carrying out the procedural requirements of the National Environmental Policy Act (NEPA) and related legal authorities, in furtherance of the policy and direction provided in ADM 1095.1F.

2. Background. NEPA establishes as policy that the Federal government will:

"use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may:

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources." (42 U.S.C. 4321(a))

As an important means of carrying out this policy, NEPA requires Federal agencies to analyze the impacts of their proposed actions (activities, programs, projects, legislation) on the environment, and on the relationship of people with the environment. This analysis is to be undertaken early in planning any such action, as an aid to deciding whether or not the action will go forward, and if so how. Consideration must be given to practicable alternative means of achieving the purpose and need for the proposed action, and to the alternative of not taking any action. The analysis is to be completed, and used to inform the decisionmaker and make the public aware of the action's potential impacts, before the decision is made about whether and how to proceed with the action.

Analysis of environmental impacts must:

"utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment" (42 U.S.C. 4322(2)(A))

NEPA also requires that, to the fullest extent possible, analyses and consultations required by other environmental laws be coordinated with those required under NEPA, to reduce redundancy, paperwork, time, and cost.

Requirements for compliance with the procedural provisions of NEPA are set forth in regulations issued by the Council on Environmental Quality (40 CFR 1500-11508, hereinafter the CEQ regulations). ADM 1095.1F contains GSA's general policy regarding NEPA implementation, and assigns responsibilities to the Administrator, the Regional Administrators, Heads of Services and Business Lines, the Commissioner, Public Buildings Service (PBS), and the Office of Business

Performance (PX) in PBS. This order provides further detail regarding the conduct of NEPA impact analyses.

3. Responsibilities

3.a Assistant Commissioner, Office of Business Performance (PX)

3.a.(1) Advises the Commissioner, other Heads of Services and Business Lines, Regional Administrators, and other GSA managers and staff regarding NEPA implementation and related matters.

3.a.(2) Maintains a professional NEPA Liaison staff to carry out this responsibility.

3.b. NEPA Liaison

3.b.(1) Coordinates compliance with NEPA and related authorities throughout GSA on a day-to-day basis.

3.b.(2) Provides advice and assistance to Regional Office NEPA Centers of Expertise (NCE).

3.b.(3) With the cooperation of Services, Business Lines, and Regional Offices, provides guidance, education and training, and advice about education and training standards and opportunities to GSA personnel who have responsibilities to which NEPA requirements may pertain.

3.b.(4) Coordinates with the Council on Environmental Quality (CEQ) and other national oversight bodies;

3.b.(5) Represents GSA in interagency coordination on NEPA and related matters on a national basis.

3.b.(6) Routinely solicits and acts upon the advice of Regional NCEs in developing program direction and carrying out the responsibilities of the NEPA Liaison.

3.b.(7) Promulgates, maintains, and when necessary updates a "NEPA Desk Guide" providing detailed direction and advice regarding NEPA implementation.

3.c. Regional Administrators

3.c.(1) Are the responsible officials for compliance with NEPA on actions under their jurisdiction.

3.c.(2) Maintain a Regional NEPA Center of Expertise (NCE) as described below.

3.c.(3) Ensure that the NCE is empowered to advise and assist in planning and decision making on actions that could affect the human environment, in a way and at a time in the planning and decision making process that maximizes the effectiveness of the NCE's advice and assistance.

3.c.(4) Ensure that all Regional program staff involved in planning and decision making about actions that could affect the human environment are made aware of GSA's responsibilities under NEPA and related authorities, are acquainted with this order, ADM 1095.1F, and the NEPA Desk

Guide, are held accountable for the quality of their actions and decisions, and are required to coordinate effectively with the NCE.

3.d. Regional NEPA Center of Expertise (NCE)

3.d.(1) Is the center of expertise maintained at the Regional Office (RO) in which expertise in NEPA and related authorities such as the National Historic Preservation Act and the Endangered Species Act is maintained.

3.d.(2) Is located within PT or elsewhere in the RO organizations where it can influence decision making early in GSA's planning or preparation for any action subject to review under NEPA and related authorities.

3.d.(3) Is responsible for participation in GSA planning and decision making, for advising the Regional Administrator (RA), Assistant Regional Administrator (ARA), and other decisionmakers, and for providing training and technical assistance to all pertinent GSA employees and contractors.

3.d.(4) Maintains interdisciplinary expertise in environmental matters, through the employment of qualified staff and/or by interagency agreement or under contract.

3.d.(5) Reviews all documentary products of GSA NEPA analyses, and assists program staff in ensuring that such products, and the analyses they report, are adequate and defensible.

3.d.(6) Maintains records of GSA NEPA compliance activities.

3.d.(7) Routinely interacts with and is assisted by, the NEPA Liaison.

3.d.(8) Maintains an up-to-date NEPA Desk Guide and other needed guidance material.

3.d.(9) Develops and maintains an up-to-date checklist for use in determining whether an action requires an environmental assessment or impact statement (the CATEX Checklist; see paragraph 4.b.(2)(a).

3.e. Program Staff

3.e.(1) For the purposes of this order, include all GSA employees responsible for the management and implementation of program actions, such as project planning and development, project management, leasing, and disposal of real property.

3.e.(2) Are responsible for:

3.e.(2)(a) With the assistance of the NEPA Liaison and Regional NCEs, developing and maintaining a thorough understanding of NEPA requirements and the requirements of related authorities, and of the policy articulated in ADM 1095.1F, as these pertain to their program areas.

3.e.(2)(b) Ensuring that NEPA and related authorities are complied with to the best of their abilities, as early as possible in planning any action within their program areas.

3.e.(2)(c) Coordinating their programs, activities, and projects with Regional NCEs.

3.e.(2)(d) Implementing all mitigation and other commitments resulting from NEPA compliance for actions under their authority.

4. Implementation of NEPA and related authorities

4.a. Classification of GSA actions

4.a.(1) All GSA actions fall into one of the following three classes, in terms of requirements for review under NEPA: categorical exclusions, environmental assessments, and environmental impact statements.

4.a.(2) Program staff, in consultation with the NCE, are responsible for classifying actions and undertaking the level of analysis, consultation, and review appropriate to each.

4.b. Categorical Exclusions (CATEX)

4.b.(1) A categorical exclusion (CATEX) is a category of actions which do not individually or cumulatively have a significant effect on the human environment, except under extraordinary circumstances (42 CFR 1508.4). Because they lack the potential for effect, they do not require detailed analysis under NEPA.

4.b.(2) GSA recognizes two types of CATEX:

4.b.(2)(a) The Automatic CATEX: a category of action that is so unlikely to have an effect on the environment that an action falling into this category may be automatically assumed to require no further review under NEPA, unless the responsible program staff determine that an extraordinary circumstance may exist, whereupon a CATEX Checklist must be prepared (see below). The likelihood of such a circumstance is judged to be so low that no specific environmental analysis is required.

4.b.(2)(b) The Checklist CATEX: a category of action that is generally very unlikely to have a significant effect on the environment, but that requires a cursory review to ensure that no extraordinary circumstances exist. For an action falling into such a category, a CATEX Checklist is completed, leading to a conclusion by program staff, concurred in by the NCE, as to whether the action needs further review under NEPA. The CATEX Checklist is developed and maintained by the Regional NCE, based on a model in the NEPA Desk Guide.

4.b.(3) Both Automatic and Checklist CATEXs are listed in Appendix 1 and in the NEPA Desk Guide.

4.c. Environmental Assessment (EA)

4.c.(1) An Environmental Assessment (EA) is a concise public document prepared by or on behalf of GSA that assists GSA in deciding whether there may be significant effects requiring a more detailed Environmental Impact Statement is necessary, and where such a Statement is not necessary, supports GSA's compliance with the requirements of NEPA and related authorities.

4.c.(2) The analysis required for an EA leads either to a Finding of No Significant Impact (FONSI) or a Notice of Intent (NOI) to prepare an Environmental Impact Statement.

4.c.(3) Directions for preparing an EA are found in the NEPA Desk Guide.

4.d. Environmental Impact Statement (EIS)

4.d.(1) An Environmental Impact Statement (EIS) is a detailed analysis and report, meeting standards set forth in the CEQ regulations, that details the environmental effects of a proposed action and its alternatives. An EIS is prepared for any GSA action that may have significant effects on the quality of the human environment.

4.d.(2) Certain actions always are likely to have significant effects on the quality of the human environment, and hence always require an EIS. These classes of action are listed in Appendix 2.

4.d.(3) Where an action does not fall into one of the classes listed in Appendix 2, the responsible GSA official shall ensure that an EIS is prepared if it appears that the action is likely to have significant effects on the quality of the human environment. An EA may be prepared to aid in deciding whether an EIS is needed, or the responsible official may decide to prepare an EIS without preparing an EA.

4.d.(4) Direction for preparing, circulating, finalizing, and using an EIS in decision making are found in the NEPA Desk Guide, and in the CEQ regulations.

4.e. Using NEPA in decision making

4.e.(1) Each Head of Service, Business Line, and Regional Office shall establish internal systems to ensure that the requirements of NEPA, related authorities, the CEQ regulations, ADM 1095.1F, and this order are carried out.

4.e.(2) Each such system shall ensure that:

4.e.(2)(a) Compliance with NEPA and related authorities begins at the earliest point in planning any action, when the widest reasonable range of alternatives is open for consideration.

4.e.(2)(b) The NEPA review process is carried out in coordination with continued planning.

4.e.(2)(c) All personnel involved in planning actions are should view NEPA review as part of effective planning, not as a mere documentation requirement.

4.e.(2)(d) Outside agencies, state and local governments, Indian tribes, and the public are afforded reasonable opportunities to participate in NEPA review, and to influence GSA decisions.

4.e.(2)(e) The results of NEPA review are fully considered by each GSA decisionmaker before making a decision on an action subject to such review.

4.e.(2)(f) Executives and other employees responsible for aspects of NEPA review are held accountable for the performance of such responsibilities, through performance reviews and other administrative mechanisms.

5. Coordination with other authorities

5.1. To the maximum extent feasible, NEPA review shall be coordinated with review of proposed actions under other environmental legal authorities, including but not limited to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the

National Historic Preservation Act (NHPA), the Endangered Species Act (ESA), Executive Orders 11988 and 13006, and other authorities listed in the NEPA Desk Guide.

5.2. In effecting such coordination, responsible GSA officials will ensure that the substantive and procedural requirements of each other authority are met, together with the requirements of NEPA. It will be explicitly understood that compliance with NEPA does not substitute for compliance with another authority, nor does compliance with such other authority substitute for compliance with NEPA.

6. Public involvement

6.1. As part of its system for NEPA compliance, each Head of Service, Business Line, and Regional Office shall provide for levels and kinds of public involvement appropriate to the class of action and its likely effects, taking into account the recommendations regarding public involvement found in the NEPA Desk Guide.

6.2. Where a related authority provides specific procedures for public involvement, the responsible GSA official shall ensure that such procedures are addressed in the process of NEPA review.

6.3. Public involvement in GSA decision making shall have as its purpose the full disclosure of GSA actions and alternatives to the public, within the constraints of GSA program authorities, and giving the public a full opportunity to influence GSA decisions, subject to the same constraints and the requirements of the Federal Advisory Committees Act (FACA).

6.4. Pursuant to Executive Order 12898, special efforts will be made to involve members of potentially affected low-income and minority communities in NEPA review and decision making. Such efforts may include, but are not limited to, special programs of community outreach, including cross-cultural programs, translations of pertinent documents, and ensuring that translators are available at public meetings.

7. Cooperating agencies

7.1. The responsible GSA official may invite other agencies to serve as cooperating agencies in the conduct of NEPA review on a GSA action.

7.2. At a minimum, GSA will invite agency customers for GSA services to participate as cooperating agencies. Other agencies with jurisdiction by law or expertise may also be invited to serve as cooperating agencies.

8. GSA Participation in NEPA compliance by other agencies

8.1. GSA may participate in the NEPA process as a cooperating agency for another lead agency's project, or as a commenter / reviewer of another agency's NEPA document. GSA may also participate in environmental studies carried out by non-federal parties (for example, a local government conducting studies under a State environmental policy law) where such studies are relevant to GSA's interests or may be incorporated by GSA into its own studies under NEPA. Where GSA will be responsible for a decision on a project that is the subject of such a study, and has the authority to do so, GSA will require that the study and its resulting documents meet the standards set forth in the NEPA Desk Guide and related GSA standards.

8.2. As a cooperating agency, GSA participates in the NEPA process as requested by the lead agency, in accordance with 40 CFR 1501.6 of the CEQ regulations. Tasks may include participating in meetings and providing specific information relevant to the matters over which it has jurisdiction by law or expertise.

8.3. The responsible GSA official (Head of Service, Business Line, or Regional Office) may provide comments and/or reviews of another agency's NEPA documents, and/or other Federal and State environmental documents. Such comments or reviews shall be provided where the other agency so requests and the responsible official determines that GSA has jurisdiction by law or special expertise, and may be provided in other cases where the responsible official or designee determines that GSA has an interest in the action covered by the environmental document.

8.4. GSA has jurisdiction by law or expertise on the following topics, as listed in 40 CFR Ch. V, Appendix II of the CEQ regulations:

- Federal land management
- Community development
- Historic, architectural, and archaeological resources

8.5. GSA comments shall be in provided in accordance with 40 CFR 1503.3 of the CEQ regulations.

8.6. GSA comments shall be prepared in consultation with, or by, the pertinent Regional NCE and/or the Central Office NEPA Liaison.

9. NEPA Desk Guide

All Heads of Service, Business Lines, and Regional Offices will employ the NEPA Desk Guide issued and periodically updated by the NEPA Liaison as guidance in carrying out this order and ADM 1095.1F.

APPENDIX 1: CATEGORICAL EXCLUSIONS

1.1 PURPOSE

The stated purpose of Categorical Exclusions (CATEXs) is to limit extensive NEPA analysis to those actions that may be major Federal actions significantly affecting the quality of the human environment, thus streamlining the NEPA process, saving time, effort, and taxpayer dollars.

1.2 DEFINITION

An action is categorically excluded from the requirement to prepare an EA or an EIS if it meets the following definition:

“Categorical exclusion” means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency [...] and for which, therefore, neither an Environmental Assessment nor an Environmental Impact Statement is required.

40 CFR 1508.4

GSA has identified two types of CATEXs: (1) the "automatic" CATEX, that by its very nature cannot be a major Federal action significantly affecting the quality of the human environment, and (2) the "checklist" CATEX, which requires completion of an environmental checklist to ensure no “extraordinary circumstances” exist indicating the need for an EA or EIS.

1.3 AUTOMATIC CATEXs

The following are automatic CATEXs, requiring no checklist.

- a) Issuance of easements, licenses, or outleases for use of space in existing Federal office buildings, where consistent with local planning and zoning, provided Section 106 of the NHPA is complied with where applicable.
- b) Acquisition of space within an existing structure, either by purchase or lease, where no change in the general type of use and only minimal change from previous occupancy level is proposed (previous occupant need not have been a Federal tenant).
- c) Relocation of employees into existing Federally controlled space, that does not involve a substantial change in the number of employees or motor vehicles.
- d) Reductions in force or other personnel, administrative, or ministerial actions, including bargaining with employee unions and managing routine activities normally conducted to protect or maintain GSA-controlled properties (e.g., security and custodial services).
- e) Lease extensions, renewals, or succeeding leases.
- f) Outlease or license of government-controlled space, or sublease of government-leased space to a non-Federal tenant when the use will remain substantially the same.
- g) Acquisition of land or easements that result in no immediate change in use and where subsequent compliance with NEPA and other applicable laws and regulations will take place as needed.
- h) Site characterization studies and environmental monitoring, including siting, construction, operation, and dismantling or closing of characterization and monitoring devices. Such activities include, but are not limited to:
 - 1) Site characterization and environmental monitoring activities under RCRA and CERCLA;

- 2) Geological, geophysical, geochemical, and engineering surveys and mapping, including the establishment of survey marks;
 - 3) Installation and operation of field instruments, such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools;
 - 4) Drilling of wells for sampling or monitoring of groundwater, well logging, and installation of water-level recording devices in wells;
 - 5) Aquifer response testing;
 - 6) Installation and operation of ambient air monitoring equipment;
 - 7) Sampling and characterization of water, soil rock, or contaminants;
 - 8) Sampling and characterization of water effluents, air emissions, or solid waste streams;
 - 9) Sampling of flora or fauna; and
 - 10) Archeological, historic, and cultural resource identification and evaluation studies in compliance with 36 CFR 800 and 43 CFR 7.
- i) Administrative actions such as procurement of consultant services for appraisal or environmental analysis.
 - j) Repair and alteration projects involving, but not adversely affecting, properties listed on or eligible for the National Register of Historic Places, when there is no evidence of community controversy or other environmental issues. The process required by Section 106 of the National Historic Preservation Act (NHPA) must be followed; see ADM 1020.2.
 - k) Repairs and alterations or modernization conducted in accordance with applicable plans, such as Facility Master Plans, where such plans have been reviewed under NEPA and there is no evidence of community controversy or unresolved environmental issues. The process required by Section 106 of the NHPA must be followed; see ADM 1020.2.
 - l) Repair to or replacement in kind of equipment or components in GSA-controlled facilities without change in location, e.g. HVAC, electrical distribution systems, windows, doors or roof.
 - m) Facility maintenance, custodial, and groundskeeping activities not involving environmentally sensitive areas (such as eroded areas, wetlands, cultural sites, etc.), including window washing, lawn mowing, trash collecting, and snow removal.
 - n) Procurement contracts for professional services and supplies not addressed elsewhere here.
 - o) Preparation of implementation guidance.
 - p) Studies that involve no commitment of resources other than manpower and funding.
 - q) Assisting Federal agencies in public utilities management (excluding communications), negotiating for public utility services on behalf of Federal agencies, and providing expert testimony before public utility regulatory bodies.
 - r) Federal real property utilization surveys in accordance with Executive Order 12348.
 - s) Real property inspections for compliance with deed restrictions.
 - t) Administrative action by GSA to remove clouds on titles.

1.4 CHECKLIST CATEXs

The following are categorical exclusions that require preparation of a checklist to ensure that no extraordinary circumstances exist that would require preparation of an EA or EIS.

- a) Acquisition of land which is not in a floodplain or other environmentally sensitive area and does not result in condemnation.
- b) Acquisition of space by Federal construction or lease construction, or expansion or improvement of an existing facility where all of the following conditions are met:
 - 1) The structure and proposed use are substantially in compliance with local planning and zoning and any applicable State or Federal requirements;
 - 2) The proposed use will not substantially increase the number of motor vehicles at the facility;
 - 3) The site and the scale of construction are consistent with those of existing adjacent or nearby buildings; and
 - 4) There is no evidence of community controversy or other environmental issues.
- c) Property disposal actions undertaken for another Federal agency, where that agency has already documented compliance with applicable legal requirements such as NEPA, NHPA, CERCLA, Endangered Species Act. (See ADM 1095.1d.)
- d) Transfers of real property to government agencies.
- e) Assignments of real property to another Federal agency for subsequent conveyance to a State or local agency, or to eligible non-profit institutions for health, educational, or park and recreation uses.
- f) Disposal of real property to State or local agencies for wildlife conservation and historic monument purposes.
- g) Disposal of real property required by public law wherein GSA has no discretionary authority.
- h) Issuance of easements, licenses, or outleases for use of space in Federal facilities other than existing office buildings.
- i) Disposal of related personal property, demountable structures, transmission lines, utility poles, railroad ties, and track.
- j) Disposal of properties where the size, area, topography, and zoning are similar to existing surrounding properties and/or where current and reasonable anticipated uses are or would be similar to current surrounding uses (e.g., commercial store in a commercial strip, warehouse in an urban complex, office building in downtown area, row house or vacant lot in an urban area).
- k) Abrogation of use restrictions contained in the conveyance documents of previous disposals when:
 - 1) Upon request of another Federal agency for concurrence, GSA only provides concurrence subject to the requesting agency's compliance with NEPA, or
 - 2) GSA has no reason to believe that the abrogation will result in a significant change in property use, or
 - 3) The abrogation is for a reduction in time only.
- l) Sale of improvements to underlying property fee owner and disposal of fee ownership to parties who have had possession and/or use of the property for five years or more through permit, lease, license, or easement.

APPENDIX 2: ACTIONS REQUIRING ENVIRONMENTAL IMPACT STATEMENT

The following actions are considered to be major Federal actions significantly affecting the quality of the human environment, and therefore must be the subjects of Environmental Impact Statements (EIS), as must any other action that an Environmental Assessment (EA) indicates may have significant environmental effects:

- Master plans for Federally owned major buildings, building complexes, and sites (Note: EIS should be designed so that subsequent EISs and EAs can be tiered off it).
- Acquisition of space by Federal construction or lease construction, or expansion or improvement of an existing facility, where one or more of the following applies:
 - The structure and/or proposed use are not substantially consistent with local planning and zoning or any applicable State or Federal requirements.
 - The proposed use will substantially increase the number of motor vehicles at the facility.
 - The site and scale of construction are not consistent with those of existing adjacent or nearby buildings.
 - There is evidence of current or potential community controversy about environmental justice or other environmental issues.
- Space acquisition programs projected for a substantial geographical area (e.g., a metropolitan area) for a 3-to-5-year period or greater (Note: a PEIS is often appropriate here, off which subsequent EISs and EAs can be tiered).

NEPA Time Frames		
GSA Activity	Timing or Time Limit	Reference
Notice of Intent <ul style="list-style-type: none"> File in Federal Register 	GSA can choose how long to accept comments on the scope of a forthcoming EIS; usually no shorter than 30 days, often 45 or 90, depending on the project scope	40 CFR 1508.22
Public hearing or meeting <ul style="list-style-type: none"> Notice in local newspaper, other media 	Usually 15 or more days from notification to meeting; often longer, depending on the scope of the project	40 CFR 1506.6
Development of EIS <ul style="list-style-type: none"> Decision on whether to prepare an EIS Determination of the scope Preparation of the DEIS Preparation of the FEIS Decision on the final action 	<ul style="list-style-type: none"> GSA can set time limits for each phase of the NEPA process for any specific action, and must do so if requested by an applicant, consistent with the purposes of NEPA and other essential considerations of national policy (see discussion in Chapter 2) Public review of a DEIS must be at least 45 days; this time limit can be extended by the agency 	40 CFR 1501.8 40 CFR 1506.10
Public review of FONSI <ul style="list-style-type: none"> If action similar to one that normally requires EIS If action is without precedent 	30 days	40 CFR 1501.4
GSA decision on an action subject to an EIS	Minimum of 30 days after publication of FEIS, 90 days after publication of DEIS	40 CFR 1506.10
Lead Agency determination	<ul style="list-style-type: none"> 45 days to select a lead agency 20 days for CEQ to review request for determination 	40 CFR 1501.5

NEPA Time Frames		
GSA Activity	Timing or Time Limit	Reference
<p>Referrals to CEQ</p> <ul style="list-style-type: none"> • Prior to Record of Decision • EPA review under §309 of the Clean Air Act results in a grade of “Environmentally unsatisfactory” OR if any Federal agency so requests 	<ul style="list-style-type: none"> • The referring agency must request CEQ review within 25 days of FEIS publication • The lead agency has 25 days to respond • The CEQ has 25 days to take action; the CEQ has 60 days to complete its action 	40 CFR 1504.3
<p>Notice that other compliance processes have their own timelines, which must be integrated with NEPA.</p>	<p>For example:</p> <ul style="list-style-type: none"> • Endangered Species Act • National Historic Preservation Act • CERCLA 	<ul style="list-style-type: none"> • 50 CFR 402 • 36 CFR 800 • 40 CFR 373

NEPA-Related Legal Requirements and Their Implications		
ENVIRONMENTAL LAW / EXECUTIVE ORDER	FORMAL REQUIREMENTS	NEPA IMPLICATIONS, REGULATIONS
American Indian Religious Freedom Act (AIRFA)	Requires agencies to respect the practice of traditional American Indian religions, including access to religious sites and use of ceremonial items.	Identify potentially concerned tribes, consult with them during NEPA analyses.
Archeological and Historical Preservation Act (AHPA)	Requires Federal agencies to identify and recover data from archeological sites threatened by their actions.	Conduct surveys, identify archeological sites, consult with specialists and others during NEPA analyses, fund data recovery as mitigation.
Archeological Resources Protection Act (ARPA)	Requires permits, and provides for civil and criminal penalties for persons disturbing archeological resources on Federal and tribal land without a permit.	Archeologists performing NEPA-related work on Federal or Indian land must meet permit requirements. (43 CFR 7; see also 36 CFR 79, and 43 CFR 3)
Architectural Barriers Act	Requires public buildings to be accessible to persons with disabilities.	Consider accessibility issues, and the environmental impact of accessibility solutions, during NEPA review. See Uniform Federal Assessability Standards (UFAS).
Clean Air Act (CAA)	Requires agencies to comply with State air quality standards set in State Implementation Plans (SIPs).	Review SIP, measure current air quality, project potential changes, seek alternatives that meet standards in NEPA analyses. (40 CFR 50)
Clean Water Act (CWA)	Requires a permit from the U.S. Army Corps of Engineers for any actions affecting "waters of the United States".	Identify potentially affected waters, consult with Corps during NEPA analyses, explore alternatives to minimize filling. (33 CFR 320-330; 40 CFR 35, 116, 117, 122, 124, 125, 131, 133, 220, 401, 403)
Coastal Zone Management Act of 1972 (CZMA)	Addresses property actions affecting coastal zone, and requires that Federal actions be consistent with State coastal zone management plans.	Review State coastal zone management plan, pursue alternatives that are consistent with it. (15 CFR 930)
Community Environmental Response Facilitation Act	Requires identification of uncontaminated property.	Phase I and sometimes Phase II remediation studies.
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)	Requires reporting of releases and clean up of hazardous substances.	Phase I and sometimes Phase II remediation studies (40 CFR 373; 41 CFR 101-47)

NEPA-Related Legal Requirements and Their Implications		
ENVIRONMENTAL LAW / EXECUTIVE ORDER	FORMAL REQUIREMENTS	NEPA IMPLICATIONS, REGULATIONS
Endangered Species Act (ESA)	Requires consultation with U.S. Fish and Wildlife Service to ensure actions do not jeopardize threatened or endangered species, or their critical habitat.	Analyze impacts on fish, wildlife, plants, habitats. Ecosystem analysis. Consult with Fish and Wildlife Service where potential effect. (50 CFR 402)
Environmental Quality Improvement Act	Declares a national policy for enhancement of environmental quality, assigns primary responsibility to State and local governments, and mandates that agencies' conducting or supporting public works activities implement existing environmental protection and enhancement policies.	Underscores the need for quality NEPA studies and environmentally sensitive decisions, consults with state and local governments.
Farmlands Protection Policy Act	Establishes criteria for identifying and considering the effects of Federal actions on the conversion of farmland to non-agricultural uses.	Identify potentially affected prime farmland (including lands subject to indirect or cumulative effect), explore alternatives to minimize impacts. (7 CFR 658; see also 7 CFR 657 [Prime Farmlands]).
Federal Facility Compliance Act	Requires Federal facilities to comply with State and local environmental laws as well as Federal environmental laws.	Ascertain applicable state and local laws, apply in NEPA analyses and alternative selection.
Federal Property and Administrative Services Act	Gives GSA responsibility for acquiring and using Federally owned and leased office buildings and space.	Conduct NEPA review on real estate transactions. (41 CFR 101)
Federal Records Act	Controls maintenance and disposal of government documents with historical value.	Identify potentially affected documents (e.g., in buildings being disposed of) and address in NEPA review per applicable regulations. (36 CFR 1222, 1228, 1230, 1232, 1234, 1236, and 1238).
Fish and Wildlife Coordination Act	Requires consultation with Fish and Wildlife Service on actions affecting stream modifications.	Study potential impacts on streams, consult as needed.
Flood Disaster Protection Act	Prohibits Federal actions in areas subject to flood hazards.	Delineate floodplain, seek alternatives that do not promote floodplain development. (See EO 11988 and EO 11990).

NEPA-Related Legal Requirements and Their Implications		
ENVIRONMENTAL LAW / EXECUTIVE ORDER	FORMAL REQUIREMENTS	NEPA IMPLICATIONS, REGULATIONS
Historic Monuments Preservation Act	Authorizes GSA to convey to local public bodies at no cost National Register of Historic Places' properties deemed appropriate by the Secretary of the Interior for historic monument purposes.	Such transfers can be useful mitigation measures.
Historic Sites Act	Establishes National Historic Landmark (NHL) program and declares a national policy to preserve sites, buildings and objects significant in American history.	Consider impacts on NHLs (Note: GSA manages many NHL buildings). (36 CFR 65)
National Environmental Policy Act of 1969 (NEPA)	Requires agencies to consider and document environmental impacts during project planning.	Consider impacts on the quality of the human environment, be guided by national policy. (40 CFR 1500-1508)
National Historic Preservation Act (NHPA)	Requires agencies to identify historic properties subject to effect by their actions, and to consult with State Historic Preservation Officer and others about alternatives and mitigation.	Conduct surveys, etc., to identify historic properties, determine potential effects. Consult, execute and implement agreements, document in NEPA documents. (36 CFR 800.; see also 36 CFR 60, 61, 65, 68)
Native American Graves Protection and Repatriation Act (NAGPRA)	Requires consultation with Indian tribes and Native Hawaiian groups; repatriation of human remains, associated cultural items, certain other items. Requires development and implementation of a Plan of Action for the treatment of such items, or 30-day work stoppage and consultation with Tribes if cultural items are found during a project on Federal or tribal land.	Identify culturally affiliated Tribes or groups, consult with them, seek to develop plans of action, report in NEPA documents and implement as mitigation. (43 CFR 10)
Public Buildings Act	Provides GSA mandate to acquire and manage lands and buildings.	Actions under the Act require NEPA review.
Public Buildings Amendments of 1972	Permits GSA to enter into purchase contracts to acquire space.	Actions under the Amendments require NEPA review
Public Buildings Cooperative Use Act	Requires GSA to give priority to the use of historic buildings to meet government space needs.	Actions under the Act require NEPA review. Identify historic buildings and consider uses.

NEPA-Related Legal Requirements and Their Implications		
ENVIRONMENTAL LAW / EXECUTIVE ORDER	FORMAL REQUIREMENTS	NEPA IMPLICATIONS, REGULATIONS
Religious Freedom Restoration Act	Prohibits “substantially burdening” any person’s exercise of religion, including Native American religions, unless specific tests are met.	Consider potential impacts on practice of religion (e.g., religious use of natural or built environment) in NEPA analyses.
Resource Conservation and Recovery Act (RCRA)	Regulates hazardous and solid waste activities and underground storage tanks (USTs).	Phase I and possible Phase II remediation studies. (40 CFR 260-281).
Rural Development Act	Directs Federal Agencies to site their facilities in such a way as to support appropriate rural development.	Consider requirements when identifying alternatives.
Safe Drinking Water Act	Sets standards for drinking water quality and regulates activities affecting drinking water supplies.	Analyze existing water quality and potential impacts on it. (40 CFR 141)
Superfund Amendments and Reauthorization Act (SARA)	Requires plans for clean up of contaminated sites, and disclosure to public of hazardous materials and processes.	Phase I and possible Phase II remediation studies. (40 CFR 373)
Toxic Substances Control Act (TSCA)	Regulates specific chemical substances, including PCBs and asbestos.	Address in NEPA review. (40 CFR 761)
Treasure Trove	GSA may enter into contracts for recovery and distribution of “treasure” in which the United States has an interest.	Contracts are subject to NEPA review.
Wild and Scenic Rivers Act	Requires agencies to review actions for possible impacts of wild and scenic rivers.	Consider impacts on wild and scenic rivers in NEPA analyses. (See President’s 1979 environmental message: directive on wild and scenic rivers)
EO 11514 Protection and Enhancement of Environmental Quality	Requires agencies to monitor, evaluate, and control activities so as to protect and enhance the quality of the environment.	Underscores the need for quality NEPA analyses, monitoring of mitigation measures.
EO 11593 Protection and Enhancement of the Cultural Environment	Requires agencies to identify, evaluate and protect historic properties under their ownership or control.	Same requirements as National Historic Preservation Act.

NEPA-Related Legal Requirements and Their Implications		
ENVIRONMENTAL LAW / EXECUTIVE ORDER	FORMAL REQUIREMENTS	NEPA IMPLICATIONS, REGULATIONS
EO 11988 Floodplain Management	Requires agencies to evaluate the potential effects of any action it takes in a floodplain, and consider alternatives to avoid adverse effects.	Delineate floodplain, project impacts on floodplain values, potential development of floodplain. Consider alternatives. Specific 8-step review process set forth in guidelines maintained by Federal Emergency Management Agency (FEMA).
EO 11990 Protection of Wetlands	Requires agencies to minimize destruction, loss or degradation of wetlands.	Delineate wetlands, pursue alternatives and mitigation to minimize loss.
EO 12088 Federal Compliance with Pollution Control Standards	Requires an agency to prevent, control and abate environmental pollution with respect to Federal facilities and activities under its control.	Phase I, possible Phase II remediation studies.
EO 12072 Federal Space Management	Requires GSA to meet certain criteria, including consideration of socio-economic, environmental, and cultural criteria (for meeting space needs in urban areas).	Consider socioeconomic, cultural effects as well as effects on natural and built environment in NEPA analysis of urban real estate transactions.
EO 12372 Intergovernmental Review of Federal Programs	Requires Federal agencies to provide for review of its actions by State and local elected officials.	Consult State and local governments during NEPA review.
EO 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	Requires Federal agencies to identify and address any disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.	Conduct social impact analyses, identify potentially affected populations, involve them in NEPA review, make adjustments in public involvement to accommodate them, seek alternatives that avoid disproportionately high and adverse effects.
EO 13006 Locating Federal Facilities on Historic Properties in our Nations Central Cities	Requires Federal agencies to give priority to the use of historic buildings in historic districts in central business areas.	Identify historic buildings in central business areas, analyze their use potential, consider as priority alternatives in NEPA review.
EO 13007 Indian sacred sites	Requires Federal agencies to avoid where possible impeding access to, or physically damaging, Indian sacred sites.	Consult with Indian Tribes during NEPA analysis to identify possible impacts. Respect confidentiality of information on sacred sites.

If no implementing regulations are listed, none existed at the time this manual was written.

Pertinent Agencies

Natural Resources

1. U.S. Environmental Protection Agency, National and Regional Office
2. National Park Service (U.S. Department of the Interior)
3. National Biological Service (U.S. Department of Interior)
4. State Departments of Natural Resources
5. State and Local Parks and Recreation Departments
6. Indian Tribal National Resource Departments
7. National, State and Local Environmental Advocacy Groups

Land/Climate Characteristics

1. United States Geological Survey (U.S. Department of the Interior)
2. Climate Monitoring and Diagnostic Laboratory, National Oceanic and Atmospheric Administration (U.S. Department of Commerce)
3. State Land Use Board/Commission/Department
4. Farmland Preservation Agencies
5. Local land use and/or zoning departments

Soils

1. Natural Resource Conservation Service (U.S. Department of Agriculture)
2. Local Soil Conservation Services

Minerals and Energy Resources

1. U.S. Department of Energy

Coastal Zones

1. Office of Ocean and Coastal Resource Management
National Oceanic and Atmospheric Administration
(U.S. Department of Commerce)
2. State Coastal Zone Management Departments

Water Resources (Water Quality, Floodplains, Wetlands)

1. U.S. Army Corp of Engineers, National and Regional Offices
2. Federal Emergency Management Agency, National and Regional Offices
3. State and Local Water Boards

Air Quality

1. Office of Air Quality Planning and Standards
(U.S. Environmental Protection Agency)
2. State and/or Local Air Quality Boards

Wildlife and Fish

1. U.S. Fish and Wildlife Service, National and Regional Offices
(U.S. Department of the Interior)
2. State and Tribal Fish and Wildlife Agencies
3. National, State, and Local Wildlife Conservation Groups

Prime Farm Land, Timber, and Rangelands

1. Bureau of Land Management (U.S. Department of the Interior)
2. U.S. Forest Service (U.S. Department of Agriculture)
3. Natural Resource Conservation Service
(U.S. Department of Agriculture)
4. State and Tribal Range, Forestry, and other Departments

Infrastructure

1. U.S. Department of Transportation
2. Federal Highway Administration (U.S. Department of Transportation)
3. State Departments of Transportation
4. County Planning Commissions
5. Fire/Police Departments
6. Utility Companies

Economic Characteristics

1. Deputy Assistant Secretary for Environmental Affairs
(U.S. Department of Commerce)
2. Department of Housing and Urban Development
3. U.S. Census Bureau (U.S. Department of Commerce)
4. U. S. Small Business Administration
5. Community Development Agencies

Sociocultural Characteristics

1. Office of Environmental Affairs
(Department of Health and Human Services)
2. National Environmental Justice Advisory Council
(U.S. Environmental Protection Agency)
3. U. S. Department of Justice
4. Advisory Council on Historic Preservation
5. State Historic Preservation Officer
6. State Folklorist
7. Representatives of Low Income and Minority Groups
8. Tribal Historic Preservation or Cultural Resource Committees
9. Local Historic Preservation or Design Review Bodies
10. Civic and Neighborhood Organizations
11. Academic Departments of Anthropology and Sociology

Miscellaneous

1. Office of Environmental Policy (U.S. Army Corp of Engineers)
2. Public Works Committees of Congress
3. Office of Management and Budget
4. U.S. Senators of States affected
5. U.S. Representatives of district(s) affected
6. Governor of the affected State(s)
7. Elected Officials of the local jurisdictions